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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kevin Khottavongsa,
As Trustee for the Heirs
and Next of Kin of
Sinthanouxay Khottavongsa,

Plaintiff,

vs.

Case No. 16-cv-1031-RHK-KMM

City of Brooklyn Center Police Officers
Alan Salvosa, Cody Turner, and Gregg
Nordby, acting in their individual
capacities as City of Brooklyn Center
police officers,

Defendants.

Deposition of
Cody Turner
Wednesday, March 29, 2017
9:00 a.m.

CODY TURNER - 03/29/2017

Page 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

3

4 Kevin Khottavongsa,
5 As Trustee for the Heirs
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23 Cody Turner

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CODY TURNER - 03/29/2017

Pages 2..5

<p>1 * * *</p> <p>2</p> <p>3 Deposition Testimony of Cody Turner at</p> <p>4 the law offices of Gustafson Gluek, PLLC, 2600 Canadian</p> <p>5 Pacific Plaza, 120 South Sixth Street, Minneapolis,</p> <p>6 Minnesota, on Wednesday, March 29, 2017, commencing at</p> <p>7 9:00 a.m. before Barbara J. Carey, a Registered</p> <p>8 Professional Reporter.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 * * *</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX</p> <p>2 EXAMINATION OF MARIA CRUZ-MARTINEZ:</p> <p>3 By Mr. Rissman - Page 5</p> <p>4</p> <p>5 EXHIBITS</p> <p>6 NUMBER DESCRIPTION PAGE:</p> <p>7 Exhibit 1 21</p> <p>8 Supplemental Narrative Bates Stamped</p> <p>9 Brooklyn Ctr 6005 to 6007</p> <p>10</p> <p>11 Exhibit 2 27</p> <p>12 Supplemental Report Bates Stamped</p> <p>13 Brooklyn Ctr 0043 to 0051</p> <p>14</p> <p>15 Exhibit 3 38</p> <p>16 Photo of Northway Drive (1 page)</p> <p>17 Exhibit 4 51</p> <p>18 Legend (1 page)</p> <p>19</p> <p>20 Exhibit 5 52</p> <p>21 Legend (1 page)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>*****</p>
<p>1 APPEARANCES:</p> <p>2</p> <p>3 ATTORNEY FOR PLAINTIFFS:</p> <p>4 Mr. Joshua J. Rissman</p> <p>5 Attorney at Law</p> <p>6 GUSTAFSON GLUEK, PLLC</p> <p>7 120 South Sixth Street, Suite 2600</p> <p>8 Minneapolis, Minnesota 55402</p> <p>9 jrisman@gustafsongluek.com</p> <p>10 612.333.8844</p> <p>11 Also Present: Mr. Riley Conlin, Law Clerk</p> <p>12</p> <p>13 ATTORNEY FOR DEFENDANTS:</p> <p>14 Mr. Jason M. Hively</p> <p>15 Attorney at Law</p> <p>16 IVERSON REUVERS CONDON</p> <p>17 9321 Ensign Avenue South</p> <p>18 Bloomington, Minnesota 55438</p> <p>19 jasonh@irc-law.com</p> <p>20 952.548.7200</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 WHEREUPON, the following proceedings</p> <p>2 were duly had:</p> <p>3 THE REPORTER: Raise your right hand and</p> <p>4 I'll swear you in.</p> <p>5 (The oath was administered by the court</p> <p>6 reporter.)</p> <p>7 WITNESS RESPONSE: I do.</p> <p>8 THE REPORTER: Thank you.</p> <p>9 CODY TURNER,</p> <p>10 After having been first duly sworn, was called as a</p> <p>11 witness and testified as follows:</p> <p>12 EXAMINATION</p> <p>13 BY MR. RISSMAN:</p> <p>14 Q. Would you please state your name for the</p> <p>15 record?</p> <p>16 A. First name is Cody, C-O-D-Y, last name Turner,</p> <p>17 T-U-R-N-E-R.</p> <p>18 Q. My name is Josh Rissman. I'm the attorney for</p> <p>19 the plaintiff in this case.</p> <p>20 You understand that?</p> <p>21 A. I'm sorry?</p> <p>22 Q. Do you understand that?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And are you represented by counsel</p> <p>25 today?</p>

CODY TURNER - 03/29/2017

Pages 6..9

<p style="text-align: right;">Page 6</p> <p>1 A. Yes.</p> <p>2 Q. Is that Mr. Hiveley?</p> <p>3 A. Yes.</p> <p>4 Q. Are you represented by anybody else?</p> <p>5 A. No.</p> <p>6 Q. Have you had your deposition taken before?</p> <p>7 A. No.</p> <p>8 Q. I'll just go over a couple of ground rules.</p> <p>9 The court reporter is going to be taking down everything</p> <p>10 we say, and so it's important that we don't interrupt each</p> <p>11 other. In the normal course of conversation, people tend</p> <p>12 to talk over each other a little bit or talk at the same</p> <p>13 time, so it's important that we give each other a chance</p> <p>14 to finish, although I'm sure, at some point throughout the</p> <p>15 day, we'll interrupt each other. So we'll do our best not</p> <p>16 to do that.</p> <p>17 Your counsel may object, and unless he</p> <p>18 instructs you not to answer, you may answer the question</p> <p>19 after he finishes his objection.</p> <p>20 Please give verbal answers; "yes" or "no" is</p> <p>21 much better than "uh-huh" or "huh-huh" so the court</p> <p>22 reporter can take down, or if you nod your head or shake</p> <p>23 your head, it's important to say "yes" or "no."</p> <p>24 If you need to take a break, let us know. We</p> <p>25 just ask that if there's a question pending, that you</p>	<p style="text-align: right;">Page 8</p> <p>1 to the sheriff's office.</p> <p>2 Q. Anything else?</p> <p>3 A. And a copy of the original report.</p> <p>4 Q. Your police report?</p> <p>5 A. Yes.</p> <p>6 Q. Did you review anyone else's police report?</p> <p>7 A. I did not.</p> <p>8 Q. Did you review anyone else's statement?</p> <p>9 A. No.</p> <p>10 Q. Have you reviewed any of the -- we've had some</p> <p>11 depositions in this case, other witnesses.</p> <p>12 Have you reviewed any transcripts?</p> <p>13 A. No.</p> <p>14 Q. Have you reviewed any transcripts at all?</p> <p>15 A. No.</p> <p>16 Q. Have you reviewed any videos?</p> <p>17 A. Yes.</p> <p>18 Q. What videos did you review?</p> <p>19 A. I have reviewed the squad video from</p> <p>20 Officer Salvosa's squad, as well as mine.</p> <p>21 Q. Any other ones?</p> <p>22 A. I believe it would be Officer Deering's.</p> <p>23 Q. Okay. Officer Turner, how old are you?</p> <p>24 A. I'm 31.</p> <p>25 Q. 31. So on January 15, 2015, you would have</p>
<p style="text-align: right;">Page 7</p> <p>1 answer the question and then we take a break.</p> <p>2 If you don't understand a question, please let</p> <p>3 me know, but if you answer a question, we'll assume that</p> <p>4 you understood it; okay?</p> <p>5 What did you do to prepare for today's</p> <p>6 deposition?</p> <p>7 A. Met with my attorney.</p> <p>8 Q. And when was that?</p> <p>9 A. Jason Hiveley.</p> <p>10 Q. I'm sorry, when was that?</p> <p>11 A. Oh, when? Over the course of the last year.</p> <p>12 Q. How many times?</p> <p>13 A. Two, I believe.</p> <p>14 Q. When was the most recent?</p> <p>15 A. Approximately two weeks ago.</p> <p>16 Q. Do you recall how long that meeting was?</p> <p>17 A. I do not.</p> <p>18 Q. Did you review any documents to prepare for</p> <p>19 today's deposition?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Did any of those documents refresh your memory</p> <p>22 of past events?</p> <p>23 A. Yes.</p> <p>24 Q. What documents did you look at?</p> <p>25 A. I reviewed a copy of the statement that I gave</p>	<p style="text-align: right;">Page 9</p> <p>1 been 29?</p> <p>2 A. Yes.</p> <p>3 Q. How tall are you?</p> <p>4 A. I am 6-3.</p> <p>5 Q. How much do you weigh?</p> <p>6 A. 190.</p> <p>7 Q. Was that your similar profile in --</p> <p>8 January 15th of 2016?</p> <p>9 A. It was not.</p> <p>10 Q. What -- were you the same height?</p> <p>11 A. Yes.</p> <p>12 Q. How much did you weigh then?</p> <p>13 A. 170.</p> <p>14 Q. 170? What do you do for exercise?</p> <p>15 A. I work out daily before work.</p> <p>16 Q. What kind of -- do you do weight training?</p> <p>17 A. Yes.</p> <p>18 Q. What kind of weight training?</p> <p>19 A. Basic core, bench press, squats.</p> <p>20 Q. How much can -- do you know how much you can</p> <p>21 bench press?</p> <p>22 A. Not off the top of my head, no.</p> <p>23 Q. Do you have a range?</p> <p>24 A. About 225.</p> <p>25 Q. Do you know how much you can squat, like a</p>

CODY TURNER - 03/29/2017

Pages 10..13

<p style="text-align: right;">Page 10</p> <p>1 one-rep max?</p> <p>2 A. I do not.</p> <p>3 Q. Do you have a ballpark?</p> <p>4 A. 200.</p> <p>5 Q. Are you trained in any type of combat,</p> <p>6 hand-to-hand combat?</p> <p>7 A. No.</p> <p>8 Q. Any martial arts?</p> <p>9 A. No.</p> <p>10 Q. Are you given training on how to go hands-on</p> <p>11 with a suspect?</p> <p>12 A. Yes.</p> <p>13 Q. And what does that training consist of?</p> <p>14 A. We recently adopted a new training topic or</p> <p>15 category that basically teaches us basic ground escorting</p> <p>16 and handcuffing techniques.</p> <p>17 Q. And that's new?</p> <p>18 A. Yes.</p> <p>19 Q. When did that - when did that start?</p> <p>20 A. Approximately eight months ago.</p> <p>21 Q. Did you have any of that type of training in</p> <p>22 January 15, 2016?</p> <p>23 A. No.</p> <p>24 Q. Did you have any training on how to subdue</p> <p>25 suspects at that time?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And if a person was empty-handed, what options</p> <p>2 would you consider?</p> <p>3 A. If they were approaching me in preparation to</p> <p>4 try and fight me and they were empty-handed, I would</p> <p>5 probably choose taser first.</p> <p>6 Q. What is your highest level of education?</p> <p>7 A. Two-year degree, college.</p> <p>8 Q. Where is that?</p> <p>9 A. Alexandria Technical.</p> <p>10 Q. Is that in Minnesota?</p> <p>11 A. Yes.</p> <p>12 Q. You're currently a Brooklyn Center police</p> <p>13 officer?</p> <p>14 A. Yes, I am.</p> <p>15 Q. How long have you been a police officer there?</p> <p>16 A. Approximately seven and a half years.</p> <p>17 Q. Were you a police officer anywhere else before</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. Where is that?</p> <p>21 A. The Upper Sioux Police Department.</p> <p>22 Q. And where is that?</p> <p>23 A. Granite Falls.</p> <p>24 Q. How long were you there?</p> <p>25 A. Six months.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Yes.</p> <p>2 Q. What was the training?</p> <p>3 A. It would be basic defensive tactics.</p> <p>4 Q. Can you describe what that means?</p> <p>5 A. Basically, we're taught how to escort people</p> <p>6 to the ground and prepare them for handcuffing.</p> <p>7 Q. Were you given any training at that time of,</p> <p>8 let's say, someone was coming at you, how you would fight</p> <p>9 that person?</p> <p>10 A. It would depend on what type of approach they</p> <p>11 were making towards me.</p> <p>12 Q. But were you given general training on that</p> <p>13 subject?</p> <p>14 A. It would depend if they had a weapon or if</p> <p>15 they were empty-handed, that would - that would change my</p> <p>16 approach to what I would do.</p> <p>17 Q. Okay. So if they had a weapon, what would you</p> <p>18 do?</p> <p>19 A. If they had a weapon, depending what the</p> <p>20 weapon was, I would make a decision about what type of</p> <p>21 approach that I would give them back.</p> <p>22 Q. And what types of approaches are available to</p> <p>23 you?</p> <p>24 A. We have a taser, we have a baton, we have</p> <p>25 pepper spray, and a firearm.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Anywhere before that?</p> <p>2 A. No.</p> <p>3 Q. Did you have to go through some sort of</p> <p>4 specialized police training?</p> <p>5 A. Yes.</p> <p>6 Q. And did you do that at the Upper Sioux Police</p> <p>7 Department?</p> <p>8 A. No, that would be done through my college</p> <p>9 process.</p> <p>10 Q. So the two-year degree is - is it in law</p> <p>11 enforcement?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Are you currently in the Patrol</p> <p>14 Division?</p> <p>15 A. I am not.</p> <p>16 Q. What division are you in?</p> <p>17 A. I am part of the Street Crimes Unit.</p> <p>18 Q. With Officer Deering?</p> <p>19 A. Yes.</p> <p>20 Q. And January 15, 2016, you were in the Patrol</p> <p>21 Division?</p> <p>22 A. Yes.</p> <p>23 Q. And was your supervisor Sergeant Coleman?</p> <p>24 A. Yes, it was.</p> <p>25 Q. Is your current supervisor Sergeant Coleman?</p>

CODY TURNER - 03/29/2017

Pages 14..17

<p style="text-align: right;">Page 14</p> <p>1 A. Technically, yes.</p> <p>2 Q. What do you mean by that?</p> <p>3 A. We are kind of in-between supervisors at this</p> <p>4 time.</p> <p>5 Q. Oh, so you're going to get a new supervisor?</p> <p>6 A. Possibly, yes.</p> <p>7 Q. You don't know who that is?</p> <p>8 A. No.</p> <p>9 Q. And so when I say "the incident," I'm</p> <p>10 referring to the night of January 16, 2015.</p> <p>11 Do you understand that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So on the night of the incident,</p> <p>14 Sergeant Coleman was your immediate supervisor, and your</p> <p>15 commander was Commander Peters, or someone else?</p> <p>16 A. Sergeant Coleman was my direct supervisor at</p> <p>17 the time. I don't remember who the patrol commander was</p> <p>18 at the time.</p> <p>19 Q. Are you given Use of Force training?</p> <p>20 A. Yes.</p> <p>21 Q. Are you familiar with the Brooklyn Center</p> <p>22 Use of Force training policies?</p> <p>23 A. I am.</p> <p>24 Q. I should ask you, did you review any policies</p> <p>25 or trainings in preparation for this deposition?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Correct.</p> <p>2 Q. But there are times when you should consider</p> <p>3 someone's physical injury in determining what use of force</p> <p>4 to use, correct?</p> <p>5 A. Every scenario's different, so it's always</p> <p>6 going to depend on the scenario.</p> <p>7 Q. But there could be scenarios where physical</p> <p>8 injury plays a role?</p> <p>9 A. It always depends.</p> <p>10 Q. So are there -- well, if it depends, there</p> <p>11 are -- there's a possibility that you would consider their</p> <p>12 injury in using force?</p> <p>13 A. Yeah.</p> <p>14 Q. Are you familiar with the duty to intercede?</p> <p>15 A. Yes.</p> <p>16 Q. What is that?</p> <p>17 A. It's when I believe that either the public or</p> <p>18 someone else is going to be injured and I need to stop</p> <p>19 whatever is happening.</p> <p>20 Q. Are you familiar with a duty to intercede</p> <p>21 regarding the use of force by another officer?</p> <p>22 A. Not as much, no.</p> <p>23 Q. Are you familiar that there is a duty to</p> <p>24 intercede to stop an officer who you believe is using</p> <p>25 excessive force?</p>
<p style="text-align: right;">Page 15</p> <p>1 A. I reviewed partial policy, yes.</p> <p>2 Q. Partial policy?</p> <p>3 A. Yes.</p> <p>4 Q. What was that?</p> <p>5 A. I reviewed a summary of the Use of Force</p> <p>6 policy.</p> <p>7 Q. Okay. And in the Use of Force policy, are</p> <p>8 there -- are you given factors that you're supposed to</p> <p>9 consider to determine the reasonableness of the force?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall some of those factors?</p> <p>12 A. I do.</p> <p>13 Q. And what are they?</p> <p>14 A. Age, body size, climate, environment, how many</p> <p>15 people there are, and my physical ability versus their</p> <p>16 potential.</p> <p>17 Q. Should their -- the suspect's injury play a</p> <p>18 role?</p> <p>19 A. Depends.</p> <p>20 Q. So there's times when someone could be injured</p> <p>21 but you wouldn't consider that?</p> <p>22 A. Correct.</p> <p>23 Q. Or would it be fair to say that you would</p> <p>24 consider it, but some other factor may be more important</p> <p>25 than their injury?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Yes.</p> <p>2 Q. Are you familiar with that policy?</p> <p>3 A. Yes, vaguely.</p> <p>4 Q. Are you familiar with the medical</p> <p>5 consideration portion of the Use of Force policy?</p> <p>6 A. Not as much, no.</p> <p>7 Q. Are you given taser training?</p> <p>8 A. Yes.</p> <p>9 Q. What does your training consist of?</p> <p>10 A. A PowerPoint and a taser deployment into a</p> <p>11 cardboard target.</p> <p>12 Q. And do you, yourself, get tased?</p> <p>13 A. Yes.</p> <p>14 Q. You have someone spotting you?</p> <p>15 A. No.</p> <p>16 Q. Is there a mat that you fall on?</p> <p>17 A. Yes.</p> <p>18 Q. Is that so you don't get injured?</p> <p>19 A. Correct.</p> <p>20 Q. Are you trained that multiple applications of</p> <p>21 the taser device against a single individual are generally</p> <p>22 not recommended?</p> <p>23 A. Yes.</p> <p>24 Q. And that multiple applications of a taser pose</p> <p>25 increased risk of injury to the subject of the taser?</p>

CODY TURNER - 03/29/2017

Pages 18..21

<p style="text-align: right;">Page 18</p> <p>1 A. Yes.</p> <p>2 Q. And do you know what neuromuscular</p> <p>3 incapacitation is?</p> <p>4 A. Somewhat, yes.</p> <p>5 Q. Is that commonly known as body lockup?</p> <p>6 A. Yeah.</p> <p>7 Q. And when someone's body locks up, are you</p> <p>8 trained that they are likely to fall?</p> <p>9 A. It is a decent likelihood, yes.</p> <p>10 Q. And are you trained that there may be</p> <p>11 fall-related injuries?</p> <p>12 A. There might be, yes.</p> <p>13 Q. Well, I'm asking if you've been given training</p> <p>14 on that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And you're trained that several people</p> <p>17 have suffered serious injuries and death as a result of</p> <p>18 fall-related injuries?</p> <p>19 A. Yes.</p> <p>20 Q. And that those falls could even be from ground</p> <p>21 level -- or the injuries from those falls could even be</p> <p>22 from ground level?</p> <p>23 A. I don't recall anything that specific.</p> <p>24 Q. And are you trained to consider the surface --</p> <p>25 well, I'll back up.</p>	<p style="text-align: right;">Page 20</p> <p>1 questions; is that -- are you trained that that could be a</p> <p>2 symptom of an injury?</p> <p>3 A. No.</p> <p>4 Q. How about if they seem dazed?</p> <p>5 A. No.</p> <p>6 Q. How about if they're moaning and groaning?</p> <p>7 A. Yes.</p> <p>8 Q. How about if they cannot walk?</p> <p>9 A. No.</p> <p>10 Q. How about if someone is rubbing their head?</p> <p>11 A. No.</p> <p>12 Q. How about if someone is rubbing their head</p> <p>13 after they fell?</p> <p>14 A. No.</p> <p>15 Q. How about if someone has urinated on</p> <p>16 themselves?</p> <p>17 A. No.</p> <p>18 Q. Are you trained to recognize when someone may</p> <p>19 not be understanding the command?</p> <p>20 A. No.</p> <p>21 Q. Are you trained to recognize when someone has</p> <p>22 diminished mental capacity?</p> <p>23 A. Yes.</p> <p>24 Q. What training did you attend regarding that?</p> <p>25 A. We've gone through emotionally-disturbed</p>
<p style="text-align: right;">Page 19</p> <p>1 Are you trained to consider the environment in</p> <p>2 which the person is and who you are taser?ing?</p> <p>3 A. Depending on the type of situation we're in,</p> <p>4 yes.</p> <p>5 Q. And that includes the ground surface?</p> <p>6 A. Correct.</p> <p>7 Q. Meaning how hard the ground is?</p> <p>8 A. Correct.</p> <p>9 Q. Are you a trained first responder?</p> <p>10 A. Yes.</p> <p>11 Q. Are you trained to watch for injuries?</p> <p>12 A. No.</p> <p>13 Q. Are you trained to recognize symptoms of</p> <p>14 injuries?</p> <p>15 A. Yes.</p> <p>16 Q. If you believe someone to have a head injury,</p> <p>17 are you given any training as to what to do or not to do</p> <p>18 to that person?</p> <p>19 A. We are not.</p> <p>20 Q. You are not?</p> <p>21 A. No.</p> <p>22 Q. Are you trained that an altered mental state</p> <p>23 could be a symptom of an injury?</p> <p>24 A. No.</p> <p>25 Q. How about if someone is incapable of answering</p>	<p style="text-align: right;">Page 21</p> <p>1 persons training.</p> <p>2 Q. And do you recall the date of that training?</p> <p>3 A. I do not.</p> <p>4 Q. Was it after January 16, 2015?</p> <p>5 A. Yes.</p> <p>6 Q. You didn't have one prior?</p> <p>7 A. Not that I remember, no.</p> <p>8 Q. Did you attend the Cultural Competency and</p> <p>9 Conflict Resolution Training in April of 2015?</p> <p>10 A. I believe so.</p> <p>11 Q. Did you ever attend anything like that before?</p> <p>12 A. I don't remember.</p> <p>13 Q. No reason to believe you did?</p> <p>14 A. I don't remember. I've been to a lot of</p> <p>15 training.</p> <p>16 Q. Did you find it difficult to remember all the</p> <p>17 things that you've been trained on?</p> <p>18 A. Sometimes, yes.</p> <p>19 Q. I believe you said you filled out a police</p> <p>20 report in this case?</p> <p>21 A. I did.</p> <p>22 (Whereupon, Exhibit 1 was marked.)</p> <p>23 BY MR. RISSMAN:</p> <p>24 Q. You've been handed -- Officer Turner, you've</p> <p>25 been handed Exhibit 1, Brooklyn Ctr 6005 through 6007.</p>

CODY TURNER - 03/29/2017

Pages 22..25

<p style="text-align: right;">Page 22</p> <p>1 And when I say that number, that's the number on the 2 bottom right. There's a Bates Stamp. So throughout the 3 day, if we're referring to documents, there's a little 4 Brooklyn Ctr section. 5 A. Okay. 6 Q. What is this document? 7 A. This would be my supplemental narrative. 8 Q. And does this appear to be a true and accurate 9 copy of your supplemental narrative? 10 A. It does. 11 Q. And this is -- when you say "supplemental 12 narrative," it's your police report, correct? 13 A. Correct. 14 Q. And when did you write this police report? 15 A. It says January 17, 2015 at 03:12 hours. 16 Q. And so that would have been 3:12 in the 17 morning, the night of the incident, correct? 18 A. Correct. 19 Q. Did someone instruct you to write this police 20 report? 21 A. They did. 22 Q. Who is they? 23 A. I don't recall. 24 Q. Had you already learned that Mr. Khottavongsa 25 was facing life-threatening injuries when you wrote this</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Were you told to -- did you meet with the 2 union, a police union representative? 3 A. Yes. 4 Q. Was it that evening? 5 A. I believe so, yes. 6 Q. Who did you meet with? 7 A. I believe his name was Tom Kelly. 8 Q. Okay. Are you trained on how to fill out 9 police reports? 10 A. Yes. 11 Q. Are you trained to include in the police 12 reports any threats to officer safety you witness? 13 A. Yes. 14 Q. And are you trained to include any actions -- 15 any use of force that you used? 16 A. Correct. 17 Q. Are you trained to include any use of force 18 that you witness other officers using? 19 A. Yes. 20 Q. And -- and you make the police report near the 21 time of the incident so events are fresh in your mind? 22 A. Correct. 23 Q. And you agree that all reports shall 24 accurately reflect the identity of persons involved, all 25 the pertinent information seen, heard, or assimilated by</p>
<p style="text-align: right;">Page 23</p> <p>1 report? 2 A. Yes. 3 Q. So you had a meeting with other officers who 4 were at the scene prior to writing this report? 5 A. I did not, no. 6 Q. Was there some kind of briefing or anything? 7 A. No. 8 Q. How did you first learn that Mr. Khottavongsa 9 was facing critical injuries? 10 A. I believe Sergeant Coleman received a phone 11 call from the hospital. 12 Q. And did he relay that to you? 13 A. Yes. 14 Q. Or were you with him at the time? 15 A. He relayed it to me. 16 Q. And what did he tell you? 17 A. I don't recall. 18 Q. Did he ask you to come into the police 19 department? 20 A. I was already in the building. 21 Q. Did he give you any instructions? 22 A. I don't recall. 23 Q. Were you told not to speak to anybody about 24 the incident? 25 A. I don't remember specific instructions.</p>	<p style="text-align: right;">Page 25</p> <p>1 any other sense and any actions taken? 2 A. Correct. 3 Q. And you agree that employees shall not 4 suppress, conceal, or distort the facts of any reported 5 incident, nor shall any employee make a false report, 6 orally or in writing? 7 A. Correct. 8 Q. And did you tell the truth in this police 9 report? 10 A. I did. 11 Q. In other cases, have you had anybody ask you 12 questions about your police report? 13 A. Oh, yes. 14 Q. And does anyone ever point out they thought 15 something was inaccurate? 16 A. I don't recall. 17 Q. What types of questions do you get? 18 A. It depends on the report. 19 Q. Okay. What is -- if someone filled out a 20 report and it wasn't accurate and a sergeant knew that, 21 what's your understanding of what the procedure would be 22 to either amend that report, or what would happen? 23 A. There would be a requested amendment. 24 Q. A requested amendment, okay. 25 How does that work?</p>

CODY TURNER - 03/29/2017

Pages 26..29

<p style="text-align: right;">Page 26</p> <p>1 A. They would ask me to write a supplemental 2 report. 3 Q. And you would say -- you would say what in 4 your supplemental report? Would you -- strike the 5 question. 6 Would you reference the fact that you are 7 making a correction in the supplemental report? 8 A. Yes. 9 Q. And have you done that on occasion before? 10 A. On rare occasions, yes. 11 Q. And I assume you did not do that in this case? 12 A. I did not. 13 Q. Sitting here today, is there anything in your 14 police report you do not think is accurate? 15 A. No. 16 Q. And so, are you trained -- is there anything 17 in here that you -- you believe you omitted that should 18 have been in the report? 19 A. No. 20 Q. Put that one aside. If you want to just put 21 that to the side, we're going to probably keep a stack of 22 exhibits here. 23 You gave a statement to Hennepin County 24 Sheriff's Office in this case? 25 A. I did.</p>	<p style="text-align: right;">Page 28</p> <p>1 That answer is: "Yes." 2 Do you see that? 3 A. Yes. 4 Q. And is that your signature? 5 A. It is. 6 Q. And you also say that this statement is true 7 and correct to the best of your knowledge. 8 Do you see that, two questions up? 9 A. Yes. 10 Q. I assume that was accurate? 11 A. Yes. 12 Q. And there's also -- three questions up, 13 there's a question: "Is there anything else you 14 can of --" excuse me. "Is there anything else you can 15 think of that we need to know about this incident?" 16 And the answer is: "Not at this time." 17 Do you see that? 18 A. Yes. 19 Q. So that's kind of -- would you agree that's a 20 catchall question that if they didn't ask you a specific 21 question but you thought there was something important to 22 add, you could answer it there? 23 A. Correct. 24 Q. And you did not add any details; correct? 25 A. That is correct.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. And was that about six days after the 2 incident? 3 A. Approximately, yes. 4 (Whereupon, Exhibit 2 was marked.) 5 BY MR. RISSMAN: 6 Q. You've been handed what's been marked as 7 Exhibit 2. 8 Do you recognize this document? 9 A. I do. 10 Q. What is this document? 11 A. This would be the statement that I gave to the 12 sheriff's office during the initial investigation. 13 Q. And for the record, this is Brooklyn Ctr 0043 14 through Brooklyn Ctr 0051. 15 And so, did they take your statement orally? 16 A. Yes. 17 Q. And then they typed it up? 18 A. I believe so, yes. 19 Q. And did you get a chance to review the 20 transcript of that? 21 A. Yes. 22 Q. Okay. And if you look to the page 8 of 8, 23 Brooklyn Ctr 0051, and the last question is: 24 "After reading this statement and finding it 25 to be true and correct, are you willing to sign it?"</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Sitting here today, is there anything in this 2 statement that you believe to be incorrect? 3 A. No. 4 Q. Do you believe there's any -- anything that 5 you omitted that you think should have been in the 6 statement? 7 A. No. 8 Q. Put that aside for the moment. 9 You were on duty the night of the incident? 10 A. Yes. 11 Q. What shift were you working? 12 A. The overnight shift. 13 Q. Is that the 6:00 p.m. to 6:00 a.m. shift? 14 A. Yes. 15 Q. And did you have a partner that evening? 16 A. No. 17 Q. Do you recall responding to the incident 18 involving Mr. Khotavongsa? 19 A. I was responding to a fight call, yes. 20 Q. Do you remember that? Do you remember 21 responding? 22 A. Yes. 23 Q. What was the first thing you learned over 24 the -- over the radio or from dispatch? 25 A. I recall hearing them say that there was a</p>

CODY TURNER - 03/29/2017

Pages 30..33

<p style="text-align: right;">Page 30</p> <p>1 fight in front of the Pizza Hut and one was armed with a 2 bat. 3 Q. Do you recall anything else? 4 A. There were several people that were calling in 5 saying that it was very chaotic and that there were 6 several groups of people fighting. 7 Q. And who – did you actually hear the callers, 8 or did somebody relay that information to you? 9 A. It was relayed. 10 Q. By dispatch? 11 A. Correct. 12 Q. Anything else? 13 A. Nothing specific. 14 Q. Okay. What direction did you approach from? 15 A. I would have come in from the west, driving 16 east. 17 Q. Okay. And would that have been – it would 18 have been on – what is that, Northway? 19 A. Yes. 20 Q. As you approached the scene, what did you – 21 what was the first thing you saw? 22 A. When I got to the intersection of Xerxes and 23 Northway Drive, I saw a large group of people that 24 appeared to be fighting in front of the coin laundry. 25 Q. Why did you think they were fighting?</p>	<p style="text-align: right;">Page 32</p> <p>1 there's a sidewalk in front of the coin laundry and the 2 Pizza Hut; right? 3 A. Correct. 4 Q. And there's also a Quick Shop right there; 5 right? 6 A. Yes. 7 Q. So isn't the Quick Shop in-between the coin 8 laundry and the Pizza Hut? 9 A. Yes. 10 Q. So were they in front of the Quick Shop? 11 A. They were in-between the coin laundry and the 12 Pizza Hut. 13 Q. Okay. So that would be in front of the Quick 14 Shop? 15 A. The entire fight and all the people that were 16 involved were spread between the coin laundry and the 17 Pizza Hut. 18 Q. They were spread. And so the people you saw 19 flailing their arms, where were they located? 20 A. They would have been directly in front of the 21 coin laundry. 22 Q. Did you see anybody flailing their arms 23 directly in front of the Pizza Hut? 24 A. No. 25 Q. Can you take a look at your police report,</p>
<p style="text-align: right;">Page 31</p> <p>1 A. They were all in close proximity to each 2 other, people were flailing their arms around, and I could 3 see somebody holding some type of long object. 4 Q. You said "flailing their arms"? 5 A. Yes. 6 Q. Like they were throwing punches? 7 A. Yes. 8 Q. Did you see anybody wrestling with each other? 9 A. Partially, yes. 10 Q. And where were they? 11 A. They were in-between the coin laundry and the 12 Pizza Hut. 13 Q. How many people were flailing their arms? 14 A. I'm not sure how many. 15 Q. How many people did you observe in the group? 16 A. I'm sorry? 17 Q. How many people did you observe in the group? 18 A. I don't recall the exact number. 19 Q. Was it more than 10? 20 A. It would have been around 10. 21 Q. Maybe less? 22 A. Probably would have been around 10. 23 Q. And was everybody throwing punches? 24 A. I don't recall. 25 Q. And so, was there – was it – was it in – so</p>	<p style="text-align: right;">Page 33</p> <p>1 Exhibit 1? 2 A few sentences in, do you see the sentence 3 that starts, "As I arrived on scene"? 4 A. Yes. 5 Q. So it says, "As I arrived on scene, I 6 approached from the west and saw a squad car parked on 7 Northway Drive facing west." 8 First of all, would that be Officer Salvosa's 9 squad car? 10 A. Yes. 11 Q. And then you say, "I did see a large group of 12 people standing and arguing in front of the coin laundry." 13 Then you say, "I then saw a middle-aged Asian male walking 14 amongst the group of people and holding what appeared to 15 be a metal rod or bat-type item in the air like a sword. 16 The male was walking around waving it at certain people in 17 the group." 18 In the section I just read, or anywhere on the 19 report, I don't see a mention of anybody flailing their 20 arms or throwing punches. 21 Is that accurate? 22 A. Yes. 23 Q. And you would agree that flailing – someone 24 throwing punches would be a threat to other people's 25 safety; correct?</p>

CODY TURNER - 03/29/2017

Pages 34..37

<p style="text-align: right;">Page 34</p> <p>1 A. Yes.</p> <p>2 Q. And you are trained to document any threats to</p> <p>3 other people's safety that you witness; correct?</p> <p>4 A. Incorrect.</p> <p>5 Q. Incorrect? You are not trained to do that?</p> <p>6 A. Correct.</p> <p>7 Q. So did you not think it to be pertinent</p> <p>8 information that people were fighting?</p> <p>9 A. At the time, I prioritized the person with the</p> <p>10 most dangerous weapon.</p> <p>11 Q. So were some people standing and arguing and</p> <p>12 not fighting?</p> <p>13 A. Yes.</p> <p>14 Q. So you observed that it was a metal rod or</p> <p>15 bat-type item in the air like a sword; is that correct?</p> <p>16 A. He was holding it in the air like a sword,</p> <p>17 yes.</p> <p>18 Q. But it looked to you like a metal rod or</p> <p>19 bat-type item?</p> <p>20 A. Yes.</p> <p>21 Q. So it did not look like a sword?</p> <p>22 A. Correct.</p> <p>23 Q. If you want to pull up your statement,</p> <p>24 Exhibit 2. If you go to page 3 of 8, I think it's</p> <p>25 Brooklyn Ctr 0046. Are you on that page?</p>	<p style="text-align: right;">Page 36</p> <p>1 that the long, metallic object looked like a sword, do you</p> <p>2 believe that to be inaccurate?</p> <p>3 A. From what I recall at the time during the</p> <p>4 statement, I remembered it looking like a sword.</p> <p>5 Q. And you made a statement on February 3rd,</p> <p>6 2015, is that what you can see on the first page - I'm</p> <p>7 sorry, the Brooklyn Ctr 0044?</p> <p>8 A. Yes.</p> <p>9 Q. And that would have been approximately two</p> <p>10 weeks - a little over two weeks after of the incident?</p> <p>11 A. Approximately, yes.</p> <p>12 Q. So did you remember it differently than when</p> <p>13 you described it in your police report?</p> <p>14 A. Slightly, yes.</p> <p>15 Q. Which one do you think is accurate?</p> <p>16 A. Both.</p> <p>17 Q. They're both accurate as to your memory?</p> <p>18 A. Yes.</p> <p>19 Q. You just remembered it differently?</p> <p>20 A. Correct.</p> <p>21 Q. Is there anything else you remember</p> <p>22 differently between the two - between the time that you</p> <p>23 gave your report and you gave your statement?</p> <p>24 A. Not that I recall, no.</p> <p>25 Q. Would you agree that a sword is more dangerous</p>
<p style="text-align: right;">Page 35</p> <p>1 Do you see the question, second from the</p> <p>2 bottom, "What were your initial observations?"</p> <p>3 A. Yes.</p> <p>4 Q. Question: "What were your initial</p> <p>5 observations as you neared the scene?"</p> <p>6 Answer: "As I was arriving, I looked to my</p> <p>7 right and saw there was a large group in front of the coin</p> <p>8 laundry and they appeared to be fighting. I saw a lone</p> <p>9 male holding a long, metallic object that looked like a</p> <p>10 sword, and he was walking among the group and waved it in</p> <p>11 the air."</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. So in your statement, you say it looked like a</p> <p>15 sword; correct?</p> <p>16 A. Uh-huh.</p> <p>17 MR. HIVELEY: Is that a "yes"? You have</p> <p>18 to say "yes."</p> <p>19 THE WITNESS: Yes, sorry.</p> <p>20 BY MR. RISSMAN:</p> <p>21 Q. Do you believe that statement to be</p> <p>22 inaccurate?</p> <p>23 A. What was the question?</p> <p>24 Q. Do you believe your statement that it looked</p> <p>25 like - this statement that we're looking at right now,</p>	<p style="text-align: right;">Page 37</p> <p>1 than a metal rod?</p> <p>2 A. No.</p> <p>3 Q. Is a sword sharper than a metal rod?</p> <p>4 A. Yes.</p> <p>5 Q. You can stab someone with a sword; right?</p> <p>6 A. Correct.</p> <p>7 Q. Can you stab someone with a crow bar?</p> <p>8 A. Yes.</p> <p>9 MR. HIVELEY: You obviously haven't seen</p> <p>10 the Walking Dead.</p> <p>11 MR. RISSMAN: I've avoided that one.</p> <p>12 BY MR. RISSMAN:</p> <p>13 Q. Have you handled a crowbar before?</p> <p>14 A. I have.</p> <p>15 Q. To wield a crowbar, do you need to get it away</p> <p>16 from your body?</p> <p>17 A. Yes.</p> <p>18 Q. To stab someone with a sword, can it be close</p> <p>19 to your body?</p> <p>20 A. No.</p> <p>21 Q. You need to get it away from your body, as</p> <p>22 well?</p> <p>23 A. Yes.</p> <p>24 Q. And so, going back to the scene, you - the</p> <p>25 observations you've described today, you were at the -</p>

CODY TURNER - 03/29/2017

Pages 38..41

<p style="text-align: right;">Page 38</p> <p>1 were you at the stop sign on Xerxes and Northway?</p> <p>2 A. Yes.</p> <p>3 (Whereupon, Exhibit 3 was marked.)</p> <p>4 BY MR. RISSMAN:</p> <p>5 Q. Officer Turner, you've been handed what's been</p> <p>6 marked as Exhibit 3. For the record, this is a Google</p> <p>7 Images or Google Map printoff of the intersection of</p> <p>8 Northway and Xerxes taken in the daytime, what appears to</p> <p>9 be not winter.</p> <p>10 Does this -- Officer Turner, does this appear</p> <p>11 to approximately capture your vantage point?</p> <p>12 A. It does.</p> <p>13 Q. And at the time, it was dark; correct?</p> <p>14 A. It was.</p> <p>15 Q. Okay. And there is a -- is that a bus stop</p> <p>16 in-between where you were and the area between the coin</p> <p>17 laundry and the Pizza Hut?</p> <p>18 A. That is a small rain shelter, yes.</p> <p>19 Q. Rain shelter. And is that partially</p> <p>20 obstructing the view?</p> <p>21 A. I believe, at the time, that rain shelter was</p> <p>22 not there.</p> <p>23 Q. Okay. All right. And you can see some -- if</p> <p>24 you look at the coin laundry, you can see some -- kind of</p> <p>25 see some people standing there.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. If I say "cement slab," you know what I mean</p> <p>2 when I say that?</p> <p>3 A. Yes.</p> <p>4 Q. He was standing on that cement slab?</p> <p>5 A. Yes.</p> <p>6 Q. Did you see him move off of that cement slab?</p> <p>7 A. I did not.</p> <p>8 Q. Did you see anyone fleeing the scene?</p> <p>9 A. Not that I recall, no.</p> <p>10 Q. Did you see anyone walking away?</p> <p>11 A. Yes.</p> <p>12 Q. How many people did you see walking away?</p> <p>13 A. I don't remember the exact number.</p> <p>14 Q. Was it more than 10?</p> <p>15 A. I don't recall.</p> <p>16 Q. You couldn't tell me if it was more than --</p> <p>17 could you tell me if it was less than five?</p> <p>18 A. No.</p> <p>19 Q. And was the -- was the person you observed</p> <p>20 with the object, was he holding it with one hand or two</p> <p>21 hands?</p> <p>22 A. One.</p> <p>23 Q. Okay. And how was it positioned?</p> <p>24 A. He was holding it in the air like a sword.</p> <p>25 Q. What does that mean?</p>
<p style="text-align: right;">Page 39</p> <p>1 A. I do.</p> <p>2 Q. Is that, more or less, the size of the people</p> <p>3 that you saw on the night of January 16, 2015?</p> <p>4 A. I have no idea from this image.</p> <p>5 Q. Do you -- do you believe it to be inaccurate?</p> <p>6 A. That would be the approximate location of</p> <p>7 where they were standing, but I can't tell how tall or</p> <p>8 short these people are in this photo.</p> <p>9 Q. So if they were taller, do you think they</p> <p>10 would appear to be significantly larger in this image?</p> <p>11 A. That's possible, yeah.</p> <p>12 Q. Okay. You can put that one aside.</p> <p>13 The person who you saw holding the object,</p> <p>14 where was he positioned when you were -- I'm sorry, when</p> <p>15 you were at the stop sign?</p> <p>16 A. He appeared to be in the middle of the group.</p> <p>17 Q. And would that have been on the sidewalk just</p> <p>18 in front of the businesses there?</p> <p>19 A. In front of the coin laundry, yes.</p> <p>20 Q. He was in -- and there is a -- I don't know if</p> <p>21 you call it an awning or kind of a metal slab that kind of</p> <p>22 juts out from the sidewalk?</p> <p>23 A. Yes.</p> <p>24 Q. Are you familiar with that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 41</p> <p>1 A. One-handed grip, how the Statue of Liberty is</p> <p>2 holding a torch.</p> <p>3 Q. So your arm is at a right angle?</p> <p>4 A. I don't remember what his elbow was doing.</p> <p>5 Q. Can you show me right now?</p> <p>6 A. Holding it in the air like a sword</p> <p>7 (indicating).</p> <p>8 Q. Okay. So like his arm is all the way</p> <p>9 extended?</p> <p>10 A. From what I recall, yes.</p> <p>11 Q. Did you see him swing it at anybody?</p> <p>12 A. Yes.</p> <p>13 Q. Who did he swing it at?</p> <p>14 A. I don't remember who it was.</p> <p>15 Q. Did he make -- did he appear to make contact</p> <p>16 with others?</p> <p>17 A. I don't believe so, no.</p> <p>18 Q. So did they -- did they -- did they dodge the</p> <p>19 swing?</p> <p>20 A. I believe so, yes.</p> <p>21 Q. And where was that person who you saw swing it</p> <p>22 at, where were they located?</p> <p>23 A. On the cement slab.</p> <p>24 Q. And what did they do after that?</p> <p>25 A. I don't recall.</p>

CODY TURNER - 03/29/2017

Pages 42..45

<p style="text-align: right;">Page 42</p> <p>1 Q. Can you describe the person that he swung it 2 at?</p> <p>3 A. No.</p> <p>4 Q. Do you know if they were male or female?</p> <p>5 A. I don't remember.</p> <p>6 Q. Is there anything you can tell me about this 7 person?</p> <p>8 A. They were standing close to him.</p> <p>9 Q. So describe the swing.</p> <p>10 A. It would have been like you're swinging a 11 sword downward at an angle (indicating).</p> <p>12 Q. So full swing?</p> <p>13 A. Yes.</p> <p>14 Q. Did you believe that presented a threat to the 15 safety of others?</p> <p>16 A. Yes.</p> <p>17 Q. And I believe you mentioned that - I believe 18 you mentioned you were focused on that individual?</p> <p>19 A. Yes, I was.</p> <p>20 Q. Do you understand swinging and waving to be 21 the same thing?</p> <p>22 A. It depends.</p> <p>23 Q. If you look at your police report, Exhibit 1. 24 Do you see the sentence that says, "The male was walking 25 around waving it at certain people in the group"?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Did they say who had the weapon?</p> <p>2 A. No.</p> <p>3 Q. And did you know there was a weapon, or were 4 you told that it was possible he had a weapon, from 5 dispatch?</p> <p>6 A. Told first, then saw it.</p> <p>7 Q. You were told there was, for sure, a bat?</p> <p>8 A. Dispatch advised us that someone had a weapon 9 that resembled a bat, and then I saw it at the 10 intersection of Xerxes and Northway.</p> <p>11 Q. And then you approached in your car?</p> <p>12 A. Yes.</p> <p>13 Q. And how did you do that? Can you describe 14 that?</p> <p>15 A. I drove into the parking lot.</p> <p>16 Q. So you would have crossed the intersection of 17 Xerxes and then made a right-hand turn into the parking 18 lot?</p> <p>19 A. Correct.</p> <p>20 Q. And were you - what were you looking at 21 during that time?</p> <p>22 A. I was looking at the male holding the metal 23 object.</p> <p>24 Q. Were you looking at the road at all?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 43</p> <p>1 A. Yes.</p> <p>2 Q. Did you see him attempt to strike more than 3 one person?</p> <p>4 A. I don't recall.</p> <p>5 Q. Do you believe your report here fully 6 describes what you just described today?</p> <p>7 A. No.</p> <p>8 Q. Do you believe the term "waving it at certain 9 people" is the same thing as swinging it in a downward 10 motion like a sword?</p> <p>11 A. Yes.</p> <p>12 Q. Did you see what the person was doing who you 13 say that he waved or swung it at?</p> <p>14 A. I don't remember.</p> <p>15 Q. Okay. When you see someone with a weapon, are 16 you trained to radio other officers?</p> <p>17 A. Not necessarily, no.</p> <p>18 Q. Did you advise other responding officers of 19 the fact that he had a weapon?</p> <p>20 A. I don't remember.</p> <p>21 Q. Is that something you think other officers 22 would want to know?</p> <p>23 A. Dispatch had already advised all the officers 24 responding that he had a weapon, so taking up valuable 25 radio time to say that would have been a waste.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Were you glancing back and forth?</p> <p>2 A. Between what?</p> <p>3 Q. Between - so the road would be directly in 4 front of you; correct?</p> <p>5 A. Correct.</p> <p>6 Q. And you'd have to look over to your right - 7 look to the right to see the scene; correct?</p> <p>8 A. It would have been diagonal out my front 9 windshield.</p> <p>10 Q. So were you - were you not looking at the 11 road at all?</p> <p>12 A. I could see it out of my peripheral.</p> <p>13 Q. Okay. So you were - you were looking at him 14 the whole time?</p> <p>15 A. Pretty much, yes.</p> <p>16 Q. Okay. You saw him swing the crowbar in a 17 downward motion.</p> <p>18 What did you see him do next?</p> <p>19 A. After that is when I was pulling in the 20 parking lot. I then saw him look directly at 21 Officer Salvosa and turn and start walking away from him.</p> <p>22 Q. Where was he positioned when he looked at 23 Officer Salvosa?</p> <p>24 A. On the cement slab.</p> <p>25 Q. Was he - let's see.</p>

CODY TURNER - 03/29/2017

Pages 46..49

<p style="text-align: right;">Page 46</p> <p>1 Was he -- so that comes out from the coin</p> <p>2 laundry, right?</p> <p>3 A. Yes.</p> <p>4 Q. Was he closer to the coin laundry or closer to</p> <p>5 the end of the slab?</p> <p>6 A. Somewhere in the middle.</p> <p>7 Q. Somewhere in the middle?</p> <p>8 When you say started walking away, how many</p> <p>9 steps did he take?</p> <p>10 A. I don't remember.</p> <p>11 Q. Did he walk 10, 20 steps?</p> <p>12 A. No.</p> <p>13 Q. Was it is less than five?</p> <p>14 A. Probably would have been less than five.</p> <p>15 Q. Was it less than two?</p> <p>16 A. It might have been.</p> <p>17 Q. Did he take any steps at all?</p> <p>18 A. Yes.</p> <p>19 Q. So one or two steps?</p> <p>20 A. It's possible, yes.</p> <p>21 Q. Okay. And then what did you see?</p> <p>22 A. After he turned away and walked away from</p> <p>23 Officer Salvosa, I then watched as he was tased.</p> <p>24 Q. So the time between when he -- well, let me</p> <p>25 ask you.</p>	<p style="text-align: right;">Page 48</p> <p>1 in his right hand?</p> <p>2 A. Yes.</p> <p>3 Q. And that was mid torso?</p> <p>4 A. Approximately, yes.</p> <p>5 Q. Do you believe -- was it away from his body?</p> <p>6 A. Yes.</p> <p>7 Q. So his arm was out?</p> <p>8 A. Partially, yes.</p> <p>9 Q. Partially. You can't say one way or another</p> <p>10 whether you think he could have struck someone from that</p> <p>11 position?</p> <p>12 A. He could have, yes.</p> <p>13 Q. Where were you -- and so, were you still</p> <p>14 driving when you saw him turn away from the officer, as</p> <p>15 you say?</p> <p>16 A. Yes.</p> <p>17 Q. And were you still driving when he was</p> <p>18 tasered?</p> <p>19 A. Yes.</p> <p>20 Q. If you'd go to page 4 of your statement,</p> <p>21 Brooklyn Ctr 0047.</p> <p>22 Do you see the first question: "What did you</p> <p>23 do when you arrived on the scene?"</p> <p>24 A. Yes.</p> <p>25 Q. You say: "As I arrived on scene, I pulled</p>
<p style="text-align: right;">Page 47</p> <p>1 So after you saw him swing the crowbar the</p> <p>2 first time, did you see him swing at anybody else?</p> <p>3 A. No.</p> <p>4 Q. When he was facing Officer Salvosa, what</p> <p>5 position was the crowbar in?</p> <p>6 A. Up in the air, like a sword.</p> <p>7 Q. So the same as before?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And then when he turned, what position</p> <p>10 was the crowbar in?</p> <p>11 A. About midway down as he was starting to lower</p> <p>12 it.</p> <p>13 Q. So he was starting to lower it --</p> <p>14 A. Yes.</p> <p>15 Q. -- when he turned?</p> <p>16 A. Yep.</p> <p>17 Q. So where was -- could you show me where his</p> <p>18 hand was?</p> <p>19 A. It would have been midway on his torso.</p> <p>20 Q. And was the crowbar up or down?</p> <p>21 A. Still up.</p> <p>22 Q. Did you believe that was a position as if to</p> <p>23 strike someone?</p> <p>24 A. I'm not sure.</p> <p>25 Q. Holding that -- so it would be -- was it still</p>	<p style="text-align: right;">Page 49</p> <p>1 directly in front of the coin laundry and made sure that</p> <p>2 my video recording device was activated."</p> <p>3 Did you do that when you were parked or when</p> <p>4 you were still driving?</p> <p>5 A. Still driving.</p> <p>6 Q. You made sure your video was on?</p> <p>7 A. Yes.</p> <p>8 Q. And you say: "I then exited my squad car and</p> <p>9 drew my firearm, keeping it a low level, and began</p> <p>10 ordering people to the ground."</p> <p>11 Is that an accurate statement?</p> <p>12 A. Yes.</p> <p>13 Q. So I assume the car was parked at this point?</p> <p>14 A. Yes.</p> <p>15 Q. Did you see the male -- and then the next</p> <p>16 question is: "Did you see the male with the metallic</p> <p>17 object when you exited your car?"</p> <p>18 And you answered: "Yes, I did."</p> <p>19 Then the question was: "Where was he at the</p> <p>20 time?"</p> <p>21 Answer: "He was in the middle of the group."</p> <p>22 Next question: "What did you observe?"</p> <p>23 Answer: "As I was exiting my squad car, I saw</p> <p>24 Officer Salvosa yelling and giving him commands, and I see</p> <p>25 that Officer Salvosa had a taser on him and was pointing</p>

CODY TURNER - 03/29/2017

Pages 50..53

<p style="text-align: right;">Page 50</p> <p>1 it at him, and the male ignored his directions and was 2 walking away from him while still holding the object." 3 Question: "At some point, did you see 4 Officer Salvosa deploy his taser at the male who was 5 holding the metal object?" 6 Answer: "Yes, he did." 7 Question: "What was the man's reaction?" 8 Answer: "The male got struck with a taser, 9 and then I watched his body go rigid. I then remember him 10 rotating around facing back towards Officer Salvosa as the 11 taser was being cycled, and then he fell backwards on the 12 cement." 13 Is all of that accurate? 14 A. Yes. 15 Q. Were you exiting your squad car when you saw 16 Mr. Khottavongsa walking away from him while still holding 17 the object? 18 A. Yes. 19 Q. Earlier, I believe you testified that you were 20 still driving when you saw that. 21 A. Correct. 22 Q. Which one is accurate? 23 A. Both. 24 Q. How are they both accurate? 25 A. On a situation like this where we're</p>	<p style="text-align: right;">Page 52</p> <p>1 Investigator Rucker, and it says, "Approximate Scale." 2 And it's a -- it shows -- do you see the scale 3 that has 0 to 50 feet? 4 A. I do. 5 (Whereupon, Exhibit 5 was marked.) 6 BY MR. RISSMAN: 7 Q. Officer Turner, you've been handed what's been 8 marked as Exhibit 5. It's the same diagram as you have in 9 Exhibit 4, only this one has some markings. And I'll 10 represent that I made those markings. Using the scale 11 that was provided, I marked off 50 feet and 75 feet as 12 someone would approach -- well, from the corner of the 13 entrance to the parking lot to the middle of the slab in 14 front of the coin laundry. 15 Do you see that? 16 A. Yes. 17 Q. Do you have any reason -- you can get your 18 ruler and feel free to measure, but do you have any reason 19 to doubt the accuracy of those measurements? 20 A. It looks approximate. 21 Q. Approximately correct, okay. 22 And so, would you put yourself at about 50 to 23 75 feet away when you witnessed Mr. Khottavongsa turn his 24 back to Officer Salvosa? 25 A. I don't remember when he turned his back or</p>
<p style="text-align: right;">Page 51</p> <p>1 approaching a hot scene or a scene where someone's 2 fighting and there's an officer involved, we are trained 3 to start deploying from our squad car while it is still 4 mobile. 5 So as I was driving, my driver's side door was 6 open, and I was already partially exiting the squad car 7 before it completely came to a stop. 8 Q. So how far away would you have been when you 9 initiated that? 10 A. I would have been entering the parking lot. 11 Q. So as you were entering the parking lot, 12 that's when you opened your car door? 13 A. Correct; started opening it. 14 (Whereupon, Exhibit 4 was marked.) 15 BY MR. RISSMAN: 16 Q. Okay. Officer Turner, you've been handed 17 what's been marked as Exhibit 4. 18 Have you ever seen this document before? 19 A. I have not. 20 Q. For the record, this is a document created in 21 the -- I believe by the Hennepin County Sheriff's Office. 22 There's marking on the bottom right that says, "Death 23 Investigation - Officer Involved 1/16/15," and gives the 24 address, "Hennepin County Investigations, Case 25 Number 15-001018," and the drawing was made by</p>	<p style="text-align: right;">Page 53</p> <p>1 what position I was in. 2 Q. You don't remember where you were? 3 A. Correct. 4 Q. Could you have been further away? 5 A. It's possible, yes. 6 Q. So there's a marking that says 112 feet -- 7 112.5 feet away. 8 Do you see that? 9 A. Yes. 10 Q. And that's about midway between the entrance 11 to the parking lot and the intersection of Xerxes and 12 Northway. 13 Do you see that? 14 A. Yes. 15 Q. Could you have been that far away? 16 A. It is possible, yes. 17 Q. And do you see that, on the corner, there is 18 one that says 150 feet away, and that's just sort of 19 starting to cross the intersection of Xerxes and -- of 20 Xerxes and Northway. 21 Do you think you were that far away? 22 A. No. 23 Q. So closer than 150 feet? 24 A. Yes. 25 Q. So I believe you testified that the position</p>

CODY TURNER - 03/29/2017

Pages 54..57

<p style="text-align: right;">Page 54</p> <p>1 Mr. Khottavongsa was holding the crowbar in after he 2 turned around, he could have struck someone in that 3 position; correct? 4 A. Yes. 5 Q. Did it appear that he was -- did it appear to 6 you that he was going to strike someone with it? 7 A. At the time as he was turning around, no. 8 Q. Why do you say that? 9 A. Because he was walking in the opposite 10 direction. 11 Q. Of the person that you had seen him swing it 12 at? 13 A. Of Officer Salvosa. 14 Q. If you go to your police report, Exhibit 1. 15 Do you see the part that says, "As I pulled 16 into the parking lot, I then saw Officer Salvosa yelling 17 at the man to drop the item. However, the man turned away 18 from him and began walking away while still holding the 19 long metal object. I then saw Officer Salvosa deploy his 20 taser making contact with the Asian male with the weapon." 21 It's correct that there is no mention of how 22 he was holding the crowbar in your police report; is that 23 correct? 24 A. That is correct. 25 Q. And you made your police report some hours</p>	<p style="text-align: right;">Page 56</p> <p>1 (Whereupon, a recess was taken 2 from 10:19 a.m. to 10:29 a.m.) 3 BY MR. RISSMAN: 4 Q. Take a look at Exhibit 5. You described the 5 process of exiting your car while it was still driving. 6 Would you have done that before you started to 7 pull in the parking lot? 8 A. Yes. 9 Q. So when you were at 112 feet, or may have been 10 112 feet, you would have already started that process? 11 A. It would have been when I'm pulling into the 12 parking lot. 13 Q. So a little closer than the 112.5-foot mark? 14 A. It's possible. 15 Q. Would it be more like the 75-foot mark? 16 A. It's possible, yeah. 17 Q. You witnessed the officer getting tasered -- 18 excuse me, you witnessed Officer Salvosa taser 19 Mr. Khottavongsa? 20 A. I did, yes. 21 Q. And what did you see? 22 A. I saw him get tased in the back and spin 23 around and fall onto the ground. 24 Q. Can you -- did he spin -- was that clockwise? 25 A. I don't recall.</p>
<p style="text-align: right;">Page 55</p> <p>1 after the incident? 2 A. That is correct. 3 Q. And events were still fresh in your mind when 4 you made your police report? 5 A. They were. 6 Q. And if you go to Exhibit 2, your statement, 7 if you go to Brooklyn Ctr 0047, page 4 of 8, there's 8 a series of questions that we've already read out 9 loud. 10 But is it correct to say that there is no 11 mention of how he was holding the crowbar after he turned 12 away from Officer Salvosa? 13 A. Correct. 14 Q. And do you believe the events were still fresh 15 in your mind on February 3rd, 2015? 16 A. Relatively, yes. 17 Q. Pull up your statement again, Exhibit 2, 18 excuse me. Actually, I think I'll -- I think we're good 19 on that, actually. 20 We've been going for a bit. Do you want to 21 take a break? 22 A. I'm good. If you guys want to take a break -- 23 Q. Actually, I could use the restroom, if you 24 don't mind. 25 A. All right.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Was his back -- was his -- was he -- was his 2 back completely towards you and Officer Salvosa, or was it 3 partially turned? 4 A. Officer Salvosa was in a different direction 5 than me, so it wouldn't have been able to be to both of us 6 at the same time. 7 Q. Okay. How about to Officer Salvosa? 8 A. I don't recall. 9 Q. So you don't know whether it was -- his back 10 was completely to him or whether he was partially to the 11 side of Officer Salvosa? 12 A. I don't recall. 13 Q. Okay. But you saw him get tasered in the 14 back? 15 A. Yes. 16 Q. How do you know he was tasered in the back at 17 that time? 18 A. Because of where the probes were located on 19 him. 20 Q. You could see the probes going in? 21 A. Uh-huh. 22 Q. And then you say he spun around. 23 What do you mean by that? 24 A. Turned back the direction towards 25 Officer Salvosa.</p>

CODY TURNER - 03/29/2017

Pages 58..61

<p style="text-align: right;">Page 58</p> <p>1 Q. And that was as a result of being tasered?</p> <p>2 A. I'm not sure.</p> <p>3 Q. And then did you see him fall?</p> <p>4 A. I did.</p> <p>5 Q. How long - was he upright for very long</p> <p>6 before he fell?</p> <p>7 A. I guess that's a relative term. I'm not sure</p> <p>8 for -</p> <p>9 Q. Well, as soon as he was tased, did he go down,</p> <p>10 or was he still standing for a second or two?</p> <p>11 A. He would have been standing for some time.</p> <p>12 Q. For how long?</p> <p>13 A. I'm not sure how long.</p> <p>14 Q. Was it - you think at least one or two</p> <p>15 seconds?</p> <p>16 A. I'm not sure.</p> <p>17 Q. But you did see - he didn't immediately fall?</p> <p>18 A. Correct.</p> <p>19 Q. I believe you said you viewed your dash cam</p> <p>20 video before?</p> <p>21 A. I have.</p> <p>22 Q. I'm going to show you a clip of it. It's a</p> <p>23 little awkward. If you don't mind, I'm going to come</p> <p>24 around and just hit play there. So this is the Turner</p> <p>25 Dash Cam Video, started at 21:16:25 - starting at</p>	<p style="text-align: right;">Page 60</p> <p>1 entering the parking lot when he's tasered; is that</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. So what you would have witnessed prior to him</p> <p>5 being tasered, would you have still been on Northway at</p> <p>6 that point?</p> <p>7 A. Yes.</p> <p>8 Q. Why don't you describe to us what you did</p> <p>9 next?</p> <p>10 A. After what?</p> <p>11 Q. Well, after you saw Officer Salvosa taser</p> <p>12 Mr. Khottavongsa, what happened next from your point of</p> <p>13 view?</p> <p>14 A. I exited the squad car and drew my firearm and</p> <p>15 started ordering people to the ground.</p> <p>16 Q. At that point, did you see anybody fighting?</p> <p>17 A. I don't recall.</p> <p>18 Q. Okay. And what command did you give for</p> <p>19 people to get on the ground?</p> <p>20 A. "On the ground."</p> <p>21 Q. And did anyone comply with the command?</p> <p>22 A. Initially, no.</p> <p>23 Q. Did you have to yell it a few times?</p> <p>24 A. Yes.</p> <p>25 Q. Did you point your firearm at anyone?</p>
<p style="text-align: right;">Page 59</p> <p>1 21:16:15.</p> <p>2 (Video playing.)</p> <p>3 BY MR. RISSMAN:</p> <p>4 Q. Stopping at 9:16:36.</p> <p>5 Does that appear to accurately describe -</p> <p>6 does the clip that we just played describe your approach</p> <p>7 to the scene?</p> <p>8 A. Yes.</p> <p>9 Q. Got freeze-frame here at 9:16:31.</p> <p>10 Can you see Mr. Khottavongsa in this screen</p> <p>11 shot?</p> <p>12 A. I do.</p> <p>13 Q. Do you see him starting to fall?</p> <p>14 A. Yes.</p> <p>15 Q. Does that indicate to you he's already been</p> <p>16 tasered at this point?</p> <p>17 A. Yes.</p> <p>18 Q. Stopping at 9:21:16:30.</p> <p>19 It's a little unclear to me, but do you think,</p> <p>20 at this point, he would have already been tasered?</p> <p>21 A. No.</p> <p>22 Q. So it would have been right around 9:16:30 or</p> <p>23 9:16:31?</p> <p>24 A. Approximately, yes.</p> <p>25 Q. And so, I guess, that would put you just</p>	<p style="text-align: right;">Page 61</p> <p>1 A. I did not.</p> <p>2 Q. Did you view their non-compliance as an</p> <p>3 immediate threat to your safety?</p> <p>4 A. Yes.</p> <p>5 Q. Why is that?</p> <p>6 A. At that time, we didn't know who, minus the</p> <p>7 person with the crowbar, were the primary aggressors, and</p> <p>8 so, in order to be safe, we were ordering everybody in the</p> <p>9 area onto the ground.</p> <p>10 Q. So do you believe - did you believe</p> <p>11 Mr. Khottavongsa to be the primary aggressor?</p> <p>12 A. Yes.</p> <p>13 Q. But you believe there could have been others?</p> <p>14 A. Yes.</p> <p>15 Q. Backing up to Mr. Khottavongsa's fall, you</p> <p>16 observed Mr. Khottavongsa hitting his head; correct?</p> <p>17 A. I watched him fall backwards, yes.</p> <p>18 Q. Did he hit - did you see him hit his head?</p> <p>19 A. From what I recall, yes.</p> <p>20 Q. Would you agree that he "bonked his head" on</p> <p>21 the concrete pretty good?</p> <p>22 A. Yes.</p> <p>23 Q. And so you were telling people to get on the</p> <p>24 ground; correct?</p> <p>25 A. Correct.</p>

CODY TURNER - 03/29/2017

Pages 62..65

<p style="text-align: right;">Page 62</p> <p>1 Q. And Mr. Khottavongsa was on the ground at that 2 point; correct? 3 A. Correct. 4 Q. And so, from your perspective, he did not defy 5 that command; correct? 6 A. Correct. 7 Q. And then what – what happened after that? 8 A. I continued to order people onto the ground. 9 Q. And did people start to comply? 10 A. Eventually, yes. 11 Q. Were some more compliant than others? 12 A. Specifically, as I pointed my flashlight at 13 each person, then they complied. 14 Q. Is pointing your flashlight a way to get 15 someone's attention in a crowd? 16 A. Correct. 17 Q. Who did you observe at the scene other than 18 Officer Salvosa and Mr. Khottavongsa? 19 A. There was a group of people that were in the 20 area. 21 Q. Do you recall how many people you observed? 22 A. No. 23 Q. Do you recall what they looked like? 24 A. No. 25 Q. You don't recall if they were actively</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Correct. 2 Q. Okay. What happened after that? 3 A. More officers arrived on scene, and myself, 4 along with Officer Nordby, then returned our focus to 5 Mr. Khottavongsa. 6 Q. Just you and Officer Nordby? 7 A. From what I remember, yes. 8 Q. What was Officer Salvosa doing? 9 A. I believe still giving Khottavongsa commands. 10 Q. So it was – so was it you and Nordby and 11 Officer Salvosa? 12 A. Yes. 13 Q. Was anybody else there? 14 A. Yes. 15 Q. Who else was there? 16 A. Officer Deering, Officer Josh Whittenburg, and 17 Sergeant Mike Coleman, and Cadet Jose Nochez. 18 Q. Was Officer Deering giving commands to 19 Mr. Khottavongsa, as well? 20 A. I'm not sure who she was giving commands to. 21 Q. Okay. And what did you observe 22 Mr. Khottavongsa doing? 23 A. He was laying on the ground facing up and was 24 holding the crowbar up off the ground. 25 Q. He was holding it up off the ground?</p>
<p style="text-align: right;">Page 63</p> <p>1 fighting; correct? 2 A. Yes. 3 Q. Yes, you do recall? 4 A. Yes. 5 Q. Okay. Were they actively fighting? 6 A. When I was at Northway Drive and Xerxes, they 7 were actively fighting. 8 Q. When you pulled into the parking lot, were 9 they actively fighting? 10 A. No. 11 Q. At any point after that point, did you see 12 anyone actively fighting? 13 A. I don't recall. 14 Q. Did you have any reason to believe that people 15 were still actively fighting? 16 A. Yes. 17 Q. What is that reason? 18 A. There was a significant amount of people in 19 the parking lot in the area and we weren't sure if the 20 fight had splintered off and gone to different locations. 21 Q. So at the time, you were suspicious that 22 fighting could still be occurring? 23 A. That is correct. 24 Q. But you don't recall, one way or another, 25 whether you witnessed any additional fighting?</p>	<p style="text-align: right;">Page 65</p> <p>1 A. That is correct. 2 Q. So his arms were extended? 3 A. His right arm was still holding the crowbar, 4 and it was up holding the crowbar parallel with his body. 5 Q. Was his arm lifted above the ground? 6 A. I'm not sure what his elbow was doing. 7 Q. So the crowbar was laying on his chest? 8 A. No. 9 Q. Where was the crowbar? 10 A. Up in the air. 11 Q. It was in the air? The entire time? 12 A. I'm not sure if it was the entire time. 13 Q. So just so we can kind of pinpoint, at some 14 point you go and remove the crowbar; right? 15 A. Yes. 16 Q. So prior to that moment but after you get out 17 of the car, did you – so this crowbar – holding the 18 crowbar in the air, was that more than – was that more 19 than a split second? 20 A. I have no idea on the timing. 21 Q. I guess what I'm asking is, did you see it – 22 did you see it move, and at some point in the movement, 23 was it held in the air? 24 MR. HIVELEY: I'm going to object. I 25 don't understand the question.</p>

CODY TURNER - 03/29/2017

Pages 66..69

<p>Page 66</p> <p>1 BY MR. RISSMAN:</p> <p>2 Q. Well, did -- I guess was the point at which</p> <p>3 you saw it held in the air, was that -- was that as part</p> <p>4 of a continuous movement of the crowbar?</p> <p>5 A. Like, did the crowbar teleport to a different</p> <p>6 position? I don't under -- I guess I'm not following what</p> <p>7 you're asking.</p> <p>8 Q. Yeah, so if I were to move the crowbar, if I</p> <p>9 was laying down and I had the crowbar in my right hand and</p> <p>10 I moved it all the way across my body --</p> <p>11 A. Uh-huh.</p> <p>12 Q. -- at some point in that movement, it would be</p> <p>13 in the air, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So that's why I'm asking.</p> <p>16 Was it part of some type of movement that it</p> <p>17 was in the air, or was it held in the air for a continuous</p> <p>18 amount of time?</p> <p>19 A. From what I recall, it would have been</p> <p>20 continuous.</p> <p>21 Q. And it was -- was the crowbar pointing</p> <p>22 straight up?</p> <p>23 A. No.</p> <p>24 Q. How was the crowbar pointing?</p> <p>25 A. Parallel with his body.</p>	<p>Page 68</p> <p>1 not see him attempt to get up?</p> <p>2 A. Correct.</p> <p>3 Q. Prior to you removing the crowbar and prior to</p> <p>4 you approaching Mr. Khottavongsa, did you view him at that</p> <p>5 point as an immediate threat to your safety?</p> <p>6 A. We were far enough away, so his immediate</p> <p>7 threat would be to the people on the ground.</p> <p>8 Q. And you believed that threat to the other</p> <p>9 people to be immediate or potential?</p> <p>10 A. Immediate.</p> <p>11 Q. And you removed the crowbar from</p> <p>12 Mr. Khottavongsa, correct?</p> <p>13 A. I did.</p> <p>14 Q. Okay. And you clearly announced to the group</p> <p>15 that you were going to go get it?</p> <p>16 A. Yes.</p> <p>17 Q. Did you -- did you believe that he was going</p> <p>18 to hit you with the crowbar when you approached?</p> <p>19 A. Yes.</p> <p>20 Q. Why did you approach if you thought he was</p> <p>21 going to hit you with it?</p> <p>22 A. At that time, he was not listening to commands</p> <p>23 to drop it.</p> <p>24 Q. Could you have been injured if he swung it at</p> <p>25 you?</p>
<p>Page 67</p> <p>1 Q. But it was not resting on his chest?</p> <p>2 A. That is correct.</p> <p>3 Q. Was it a few inches above his chest?</p> <p>4 A. I didn't take a tape measure out at the time.</p> <p>5 Q. Approximately? Was it approximately a few</p> <p>6 inches above his chest?</p> <p>7 A. It was above his body, parallel with it.</p> <p>8 Q. You can't say, one way or another, what his</p> <p>9 arms were doing?</p> <p>10 A. No, besides holding the crowbar.</p> <p>11 Q. Did you see him attempt to get up with the</p> <p>12 crowbar?</p> <p>13 A. I'm sorry?</p> <p>14 Q. Did you see him, at that point in time,</p> <p>15 attempt to get up with the crowbar?</p> <p>16 A. To get up with the crowbar?</p> <p>17 Q. Yes.</p> <p>18 A. Yes.</p> <p>19 Q. What made you think that?</p> <p>20 A. He sat up.</p> <p>21 Q. He sat up with the crowbar?</p> <p>22 A. I'm sorry, no. When he had the crowbar, he</p> <p>23 stayed laying down until I removed it, and then he sat up</p> <p>24 afterwards.</p> <p>25 Q. So while he was holding the crowbar, you did</p>	<p>Page 69</p> <p>1 A. Yes.</p> <p>2 Q. Is that consistent with your training to</p> <p>3 remove a weapon from someone who you think is going to use</p> <p>4 that weapon against you?</p> <p>5 A. No.</p> <p>6 Q. And you were under the cover of</p> <p>7 Officer Nordby?</p> <p>8 A. I was.</p> <p>9 Q. And you had your firearm?</p> <p>10 A. I put it in the holster when I approached him.</p> <p>11 Q. You put it in the holster?</p> <p>12 A. From what I recall, yes.</p> <p>13 Q. But Officer Nordby had his firearm?</p> <p>14 A. Yes, I believe so.</p> <p>15 Q. And from what you -- from what you could tell,</p> <p>16 were the probes still connected?</p> <p>17 A. I'm not sure.</p> <p>18 Q. You didn't see them disconnected?</p> <p>19 A. No.</p> <p>20 Q. So there's also the possibility that</p> <p>21 Officer Salvosa could taser him again, if necessary?</p> <p>22 A. Yes.</p> <p>23 Q. And you removed the crowbar with one arm?</p> <p>24 A. Yes.</p> <p>25 Q. Did you find it difficult to remove the</p>

CODY TURNER - 03/29/2017

Pages 70..73

<p style="text-align: right;">Page 70</p> <p>1 crowbar?</p> <p>2 A. I did.</p> <p>3 Q. Did you have to sort of tug more than once?</p> <p>4 A. I believe so, yes.</p> <p>5 Q. How many times?</p> <p>6 A. No idea.</p> <p>7 Q. Did you have to kind of twist your arm and</p> <p>8 twist his arm?</p> <p>9 A. I'm not sure.</p> <p>10 Q. And what did you do with the crowbar once you</p> <p>11 got it?</p> <p>12 A. I threw it over towards the officers that were</p> <p>13 standing by the squad.</p> <p>14 Q. And I believe you said that you approached the</p> <p>15 individual -- approached Mr. Khottavongsa because he was</p> <p>16 not following your commands.</p> <p>17 A. He was not following Officer Salvosa's</p> <p>18 commands.</p> <p>19 Q. Okay. Did you also give him commands to drop</p> <p>20 it?</p> <p>21 A. I don't remember.</p> <p>22 Q. And prior to removing the crowbar from him,</p> <p>23 you determined that Mr. Khottavongsa did not understand</p> <p>24 what the officers were saying to him?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 figured, okay, he's going to be there all fucking night,</p> <p>2 so I might as well go grab the goddamn thing while Al has</p> <p>3 him on the probes."</p> <p>4 Does that sound accurate to you?</p> <p>5 A. Yes.</p> <p>6 Q. And that's a description of why you went and</p> <p>7 got the crowbar?</p> <p>8 A. Yes.</p> <p>9 Q. You also say later, "He didn't have a fucking</p> <p>10 clue what we were saying," is that correct?</p> <p>11 A. Correct.</p> <p>12 Q. And that's a description of your observations</p> <p>13 prior to removing the crowbar, correct?</p> <p>14 A. Correct.</p> <p>15 Q. What was the first thing you observed that</p> <p>16 made you believe that he didn't understand your commands?</p> <p>17 A. I don't recall giving him commands.</p> <p>18 Q. What was the first thing you observed that</p> <p>19 made you believe he did not understand other officers'</p> <p>20 commands?</p> <p>21 A. He did not listen.</p> <p>22 Q. And do you recall a specific command that he</p> <p>23 did not listen to?</p> <p>24 A. Yes.</p> <p>25 Q. What was that?</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. And what -- was the fact that -- strike the</p> <p>2 question.</p> <p>3 And did you believe he had been stunned by the</p> <p>4 taser at that point?</p> <p>5 A. Did I believe he what?</p> <p>6 Q. Did you believe he had been stunned by the</p> <p>7 taser and that was the reason why he wasn't listening to</p> <p>8 commands?</p> <p>9 A. I believe he was intoxicated.</p> <p>10 Q. Intoxicated?</p> <p>11 A. Yes.</p> <p>12 Q. At that time you believed he did not</p> <p>13 understand commands because he did not speak English;</p> <p>14 correct?</p> <p>15 A. No.</p> <p>16 Q. You had no opinion as to whether he spoke</p> <p>17 English or not?</p> <p>18 A. I did.</p> <p>19 Q. What was your opinion?</p> <p>20 A. I was not sure if he did or not.</p> <p>21 Q. You suspected that he did not speak English?</p> <p>22 A. Correct.</p> <p>23 Q. And you say to other officers, after the</p> <p>24 incident, "That's why he wasn't listening to our commands.</p> <p>25 I figured it was probably English-related. That's why I</p>	<p style="text-align: right;">Page 73</p> <p>1 A. "Drop the crowbar."</p> <p>2 Q. And did you come to the conclusion that he did</p> <p>3 not understand your commands immediately prior to</p> <p>4 announcing to the officers that you were going to remove</p> <p>5 the crowbar?</p> <p>6 A. Say it again.</p> <p>7 Q. Sure. Did you come to the conclusion that he</p> <p>8 did not understand your commands immediately prior to</p> <p>9 announcing to the other officers that you were going to go</p> <p>10 get the crowbar?</p> <p>11 A. Yes.</p> <p>12 Q. I'm going to show you the Turner video again.</p> <p>13 I just want to pinpoint some timing here. Starting Turner</p> <p>14 Video, 21:16:35.</p> <p>15 (Video playing.)</p> <p>16 BY MR. RISSMAN:</p> <p>17 Q. Do you hear, at 21:16:52, Officer Salvosa say,</p> <p>18 "Drop the crowbar"?</p> <p>19 A. I do.</p> <p>20 Q. Is that the command -- the first command you</p> <p>21 heard Officer Salvosa give directly to Mr. Khottavongsa?</p> <p>22 A. I don't recall.</p> <p>23 Q. Would that have been the first time you</p> <p>24 suspected he did not speak English?</p> <p>25 A. I don't recall if that would have been the</p>

CODY TURNER - 03/29/2017

Pages 74..77

<p style="text-align: right;">Page 74</p> <p>1 timing or not.</p> <p>2 Q. Would it have been before that?</p> <p>3 A. I'm guessing no because I'd be focusing on</p> <p>4 other people still.</p> <p>5 (Video playing.)</p> <p>6 BY MR. RISSMAN:</p> <p>7 Q. So 21:17:00/01 you're going to go up and grab</p> <p>8 it?</p> <p>9 A. Uh-huh. Yes.</p> <p>10 Q. So it would have been sometime in-between when</p> <p>11 Officer Salvosa gave his first command to drop it and then</p> <p>12 when you say you're going to go up and grab it that you</p> <p>13 formed the opinion that he did not understand what you</p> <p>14 were saying?</p> <p>15 A. Yes.</p> <p>16 Q. Was it when you heard repeat -- so in that</p> <p>17 video clip we just heard, you heard repeated commands to</p> <p>18 drop -- drop the crowbar, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Wouldn't it have been when you heard repeated</p> <p>21 commands that he did not follow when you started to</p> <p>22 suspect that he did not understand you?</p> <p>23 A. At the time when I was hearing the repeated</p> <p>24 commands, I wasn't sure if I had made the assumption that</p> <p>25 it was based off language, but I knew that he wasn't</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Yep. "The male refused to do so, despite the</p> <p>2 shock from the taser. After commanding the male several</p> <p>3 more times to release the crowbar, I then determined that</p> <p>4 he did not understand what I was saying at the time, and</p> <p>5 as there were several more officers on scene at that time</p> <p>6 giving good protective cover of all parties, I advised</p> <p>7 them that I was going to remove the crowbar from his grip</p> <p>8 while he lay on the sidewalk."</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Is that an accurate statement?</p> <p>12 A. Yes.</p> <p>13 Q. It was accurate when you made it, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And is it accurate today?</p> <p>16 A. Yep.</p> <p>17 Q. Put that aside. I'll play a portion of --</p> <p>18 there's nothing really to see on the video. I can show it</p> <p>19 to you if you want but I'm going to play you a portion of</p> <p>20 the audio. That's all I have a question about.</p> <p>21 (Video audio playing.)</p> <p>22 BY MR. RISSMAN:</p> <p>23 Q. Do you recognize the sound of your own voice</p> <p>24 there?</p> <p>25 A. Yes, I do.</p>
<p style="text-align: right;">Page 75</p> <p>1 listening.</p> <p>2 Q. You knew he wasn't listening, but you believe</p> <p>3 he did not understand?</p> <p>4 A. At that time, I just knew he wasn't listening.</p> <p>5 Later on, when I mentioned to my other officers that I</p> <p>6 believed it was language-based, that opinion could have</p> <p>7 formed afterwards, after I had time to process it.</p> <p>8 Q. But you knew -- but you had some reason to</p> <p>9 believe that he did not understand you when you said, "I'm</p> <p>10 going to go up and get the crowbar"?</p> <p>11 A. Not necessarily, no.</p> <p>12 Q. So the reason -- so -- okay.</p> <p>13 So the reason that you got the crowbar was</p> <p>14 just that he was not following commands; is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. You had no opinion as to whether -- as to what</p> <p>17 he understood at that time?</p> <p>18 A. Correct.</p> <p>19 Q. Pull up your police report.</p> <p>20 Do you see the sentence about halfway down</p> <p>21 through the report starting with, "The male refused to do</p> <p>22 so."</p> <p>23 A. "After the male refused to do so."</p> <p>24 Q. Do you see that?</p> <p>25 A. Yes, "The male lying --" yep, I got it.</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. And who else -- who -- who are you talking to?</p> <p>2 A. I believe it's a group. I'm not sure who's in</p> <p>3 it.</p> <p>4 Q. You don't recognize the sound of the other</p> <p>5 person talking?</p> <p>6 A. No.</p> <p>7 Q. Do you recognize it to be Officer Nordby?</p> <p>8 A. No.</p> <p>9 MR. HIVELEY: I'm sorry, I can't hear</p> <p>10 you sometimes.</p> <p>11 BY MR. RISSMAN:</p> <p>12 Q. Do you recognize that to be Officer Nordby?</p> <p>13 A. No.</p> <p>14 Q. Okay. So when you say, "That's why he wasn't</p> <p>15 listening to our commands, I figured it was probably</p> <p>16 English-related. That's why I figured, okay, he's going</p> <p>17 to be there all fucking night, so I might as well grab the</p> <p>18 goddamn thing while Al has the probes on."</p> <p>19 You said that, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And so, it's your testimony today that that</p> <p>22 was not your conclusion at the time that your conclusion</p> <p>23 was made -- that that was made over a -- the course of the</p> <p>24 incident; is that correct?</p> <p>25 A. Correct.</p>

CODY TURNER - 03/29/2017

Pages 78..81

<p style="text-align: right;">Page 78</p> <p>1 Q. Okay. And there's a reference to everyone 2 having their guns out in the clip I just played you? 3 A. Yes. 4 Q. And was there a -- was there -- is that 5 referencing when you went and removed the crowbar? 6 A. Yes. 7 Q. Was that referencing a different point in the 8 incident? Was it referencing anything else, people 9 having -- I'll strike the question. 10 The reference to people having their guns out? 11 MR. HIVELEY: What about it? Are you 12 asking a time question? 13 BY MR. RISSMAN: 14 Q. Let me just -- I -- I'm -- I'll -- I'll back 15 up here. 16 So in the clip, that I just played you, 17 there's a reference to people having their guns out, 18 correct? 19 A. Yes. 20 Q. Okay. That reference is to the point in time 21 at which you removed the crowbar, correct? 22 A. Correct. 23 Q. So -- so is your testimony that it did not 24 occur to you in any way, shape, or form, that 25 Mr. Khotiavongsa did not speak English when you removed</p>	<p style="text-align: right;">Page 80</p> <p>1 saying, "He doesn't speak English." 2 That other sound is a different person. 3 Q. The "eh" sound? 4 A. Correct. 5 Q. Do you know who that person is? 6 A. No idea, but it's not my voice, and it sounds 7 like an "oh" more than a sound, like an understanding, 8 "oh," like "oh." And you can compare me just doing that 9 to that sound and it's not me. 10 Q. Let's play it again. 9:21:35:01. 11 (Video audio playing.) 12 A. See, I'm still -- I'm still talking through 13 that sound. 14 BY MR. RISSMAN: 15 Q. You think someone else went "eh"? 16 A. I'm not sure what they were saying. It 17 sounded to me like an "oh" but it wasn't me saying it; I 18 was still talking. 19 Q. You don't -- it's your testimony that your 20 observation of that sound is -- that it's someone 21 expressing their understanding of what you were saying? 22 A. Correct. 23 (Video audio playing.) 24 BY MR. RISSMAN: 25 Q. So I just played it from 21:35:12 to 21:35:15</p>
<p style="text-align: right;">Page 79</p> <p>1 the crowbar from him? 2 A. I don't recall specifically besides the fact 3 that I needed to remove the crowbar. 4 Q. So you can't say one way or the other what you 5 were thinking? 6 A. Correct. 7 Q. Does the statement I just played for you 8 refresh your memory as to what you were thinking? 9 A. No. 10 Q. Okay. Playing Turner audio 9:34:57. 11 (Video audio playing.) 12 BY MR. RISSMAN: 13 Q. Stopping at 21:35:25. 14 Are you the one that says, "He doesn't speak 15 English, that's why he was walking around 'eh'," something 16 like that? 17 A. No. 18 Q. Who -- who do you believe said that? 19 A. I have no idea. 20 Q. I'm going to play the clip at 9:35:01. 21 (Video audio playing.) 22 BY MR. RISSMAN: 23 Q. So the person that says he doesn't speak 24 English, that was not you? 25 A. There's two people speaking right there; me</p>	<p style="text-align: right;">Page 81</p> <p>1 there's a voice that said, "He doesn't have a fucking clue 2 what we are saying." 3 Was that you? 4 A. It was. 5 Q. Do you believe you're speaking to 6 Sergeant Coleman at this time? 7 A. I have no idea who I was speaking to. 8 Q. You don't recognize any of the other voices 9 you heard? 10 A. No. 11 Q. And the statement: "He doesn't have a fucking 12 clue what we were saying," doesn't refresh your memory as 13 to what you were thinking at the time when you removed the 14 crowbar; is that correct? 15 A. Correct. 16 Q. I believe you testified earlier that you 17 formed the opinion, at the time, prior to removing the 18 crowbar, that he was intoxicated; is that correct? 19 A. I believed it was a possibility, yes. 20 Q. A possibility? Why did you believe it was a 21 possibility? 22 A. We encounter an enormous amount of people on a 23 nightly basis, in Brooklyn Center, and a large portion of 24 them are under the influence. 25 Q. A large portion of the people you encounter</p>

CODY TURNER - 03/29/2017

Pages 82..85

<p style="text-align: right;">Page 82</p> <p>1 are under the influence?</p> <p>2 A. Correct.</p> <p>3 Q. You don't believe, at that time, that he was</p> <p>4 stunned by the taser?</p> <p>5 A. No.</p> <p>6 Q. Did you assume that he had been stunned by the</p> <p>7 taser at that time?</p> <p>8 A. You're probably going to have to clarify what</p> <p>9 you mean by "stunned by" it.</p> <p>10 Q. Strike the question.</p> <p>11 Can you take a look at Exhibit 2 - your</p> <p>12 statement? You got it in front of you, Brooklyn Ctr 0048,</p> <p>13 page 5 of 8.</p> <p>14 Can you go to that page, please? Second</p> <p>15 question from the top: "When he did not release the</p> <p>16 crowbar, what action did you take?"</p> <p>17 Answer: "I believe he had been ordered</p> <p>18 several times to drop the crowbar. Because he wasn't</p> <p>19 following directions, I assumed that he had been stunned</p> <p>20 by the taser and wasn't listening to the commands, or was</p> <p>21 intoxicated and not understanding."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Was that - was that statement accurate when</p> <p>25 you gave it?</p>	<p style="text-align: right;">Page 84</p> <p>1 A. I'm not sure how many times.</p> <p>2 Q. Like 100?</p> <p>3 A. No.</p> <p>4 Q. Ten?</p> <p>5 A. Approximately.</p> <p>6 Q. In your experience, are people disoriented</p> <p>7 after being tasered?</p> <p>8 A. Typically, no.</p> <p>9 Q. Prior to removing the crowbar, did you see him</p> <p>10 touch his head with his hand?</p> <p>11 A. No.</p> <p>12 Q. You don't believe that happened or you don't</p> <p>13 recall?</p> <p>14 A. I never saw it.</p> <p>15 Q. I'll play for you the same clip starting at</p> <p>16 Turner Video 21:16:31.</p> <p>17 (Video playing.)</p> <p>18</p> <p>19 BY MR. RISSMAN:</p> <p>20 Q. Stopping at 21:17:05.</p> <p>21 In the portion that we just viewed,</p> <p>22 earlier you - well, I'll start over here.</p> <p>23 So you - earlier, you talked about how he was</p> <p>24 holding the crowbar in the air?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 83</p> <p>1 A. Yes.</p> <p>2 Q. Is it accurate today?</p> <p>3 A. Yes.</p> <p>4 Q. Does that indicate to you that you believed</p> <p>5 either he was stunned by the taser or he was intoxicated?</p> <p>6 A. Repeat the question?</p> <p>7 Q. Does this statement refresh your memory that</p> <p>8 you assumed that he had either been stunned by the taser</p> <p>9 or was intoxicated?</p> <p>10 A. Yes.</p> <p>11 Q. Do you understand what "stunned by the taser"</p> <p>12 means in this sentence?</p> <p>13 A. I have my own opinion of it. That's why I was</p> <p>14 asking yours.</p> <p>15 Q. Is your opinion - well, at this point in</p> <p>16 time, there - he was no longer being shocked by the</p> <p>17 taser, correct?</p> <p>18 A. That is correct.</p> <p>19 Q. What would "stunned by the taser" mean to you?</p> <p>20 A. To me, it would mean disoriented.</p> <p>21 Q. Disoriented. In your experience in taser</p> <p>22 training and - well, let me ask you, have you ever used a</p> <p>23 taser on someone before?</p> <p>24 A. I have.</p> <p>25 Q. How many times?</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. In the clip that we just viewed, did you see</p> <p>2 him holding the crowbar in the air?</p> <p>3 A. I can't see in the video.</p> <p>4 Q. So do you want me to play it again or did you</p> <p>5 just - the video doesn't have good enough - not enough</p> <p>6 resolution to be able to see it?</p> <p>7 A. Not enough resolution.</p> <p>8 Q. Okay. Prior to removing the crowbar, did you</p> <p>9 observe Mr. Khotlavongsa's face?</p> <p>10 A. No.</p> <p>11 Q. You just looked - were you focused only on</p> <p>12 the crowbar?</p> <p>13 A. Correct.</p> <p>14 Q. Do you know if he was conscious?</p> <p>15 A. I believe he was, yes.</p> <p>16 Q. Why do you believe that?</p> <p>17 A. Because he was moving around.</p> <p>18 Q. Did you ever see him lose consciousness at</p> <p>19 that point?</p> <p>20 A. No.</p> <p>21 Q. Prior to removing the crowbar, did you -</p> <p>22 strike the question.</p> <p>23 Did the combination of seeing him hit his head</p> <p>24 and either being stunned or intoxicated make you think he</p> <p>25 was injured?</p>

CODY TURNER - 03/29/2017

Pages 86..89

<p style="text-align: right;">Page 86</p> <p>1 A. No.</p> <p>2 Q. Did your training related to fall -- did your</p> <p>3 training, related to fall-related injuries from being</p> <p>4 tasered, indicate to you that he might be injured?</p> <p>5 A. No.</p> <p>6 Q. Once you pull the crowbar from him, what did</p> <p>7 you do with it?</p> <p>8 A. Threw it on the ground near another officer.</p> <p>9 Q. Did you see someone pick it up?</p> <p>10 A. No.</p> <p>11 Q. Was it still within reaching distance of</p> <p>12 Mr. Khottavongsa at that point?</p> <p>13 A. No.</p> <p>14 Q. I believe you testified that you -- that</p> <p>15 pulling the crowbar from Mr. Khottavongsa was difficult,</p> <p>16 you said?</p> <p>17 A. No.</p> <p>18 Q. It was not difficult?</p> <p>19 A. I didn't say difficult.</p> <p>20 Q. What did you say?</p> <p>21 A. That he had a solid grip on it.</p> <p>22 Q. He had a solid grip on it?</p> <p>23 A. Yes.</p> <p>24 Q. But you did not have difficulty removing it</p> <p>25 from him?</p>	<p style="text-align: right;">Page 88</p> <p>1 an immediate threat?</p> <p>2 A. Immediate.</p> <p>3 Q. Did you know that he was going to do that?</p> <p>4 A. I unfortunately do not possess that type of</p> <p>5 ability or power, so I have to assume that he will in</p> <p>6 order to make sure that myself and my partners are safe.</p> <p>7 Q. So you're on the lookout for it?</p> <p>8 A. I'm not sure what "on the lookout" means.</p> <p>9 MR. HIVELEY: On what?</p> <p>10 BY MR. RISSMAN:</p> <p>11 Q. You're on the lookout for it? You're on the</p> <p>12 lookout for him fighting you when you're trying to</p> <p>13 handcuff him? You're watching for it?</p> <p>14 A. I have prepared mentally for him to start</p> <p>15 fighting with me when I attempt to put handcuffs on him.</p> <p>16 Q. Did he fight you?</p> <p>17 A. Yes.</p> <p>18 Q. How did he fight you?</p> <p>19 A. He did not want to roll over on to his stomach</p> <p>20 and his arms were tense.</p> <p>21 Q. Was he violent with you?</p> <p>22 A. No, he did not try and strike us.</p> <p>23 Q. Did he kick you?</p> <p>24 A. I was up near his torso.</p> <p>25 Q. Sorry?</p>
<p style="text-align: right;">Page 87</p> <p>1 A. I'm not -- I don't recall. I remember</p> <p>2 removing it with my left hand and throwing it off to the</p> <p>3 side.</p> <p>4 Q. And was that -- did you testify earlier that</p> <p>5 you sort of had to pull more than once?</p> <p>6 A. I'm not sure in I gave it a number or not.</p> <p>7 Q. What do you recall?</p> <p>8 A. That I wasn't sure how many times I had to</p> <p>9 pull.</p> <p>10 Q. That's your recollection of the event?</p> <p>11 A. Correct, and what was asked earlier.</p> <p>12 Q. After the crowbar was removed from</p> <p>13 Mr. Khottavongsa, did you -- did you view him, at that</p> <p>14 point, as an immediate threat to your safety?</p> <p>15 A. Yes.</p> <p>16 Q. Why is that?</p> <p>17 A. Because at that time, once the crowbar was</p> <p>18 removed, myself, along with whoever was going to assist</p> <p>19 me, was preparing to approach him in order to place</p> <p>20 handcuffs on him and there's always a strong chance,</p> <p>21 especially after someone's been tased, that they're going</p> <p>22 to begin fighting again.</p> <p>23 Q. So there's a potential for that?</p> <p>24 A. Yes.</p> <p>25 Q. So would that make him a potential threat or</p>	<p style="text-align: right;">Page 89</p> <p>1 A. I was up here his torso.</p> <p>2 Q. Did you see him kick anybody else?</p> <p>3 A. I don't remember.</p> <p>4 Q. Did you see him swing his arms?</p> <p>5 A. No.</p> <p>6 Q. So his violence was tensing his arms and not</p> <p>7 rolling over?</p> <p>8 A. His fighting.</p> <p>9 Q. Yeah, I'm sorry. Fair enough. I'll strike</p> <p>10 the question.</p> <p>11 The reason you say he was fighting you was</p> <p>12 that he tensed his arms and did not roll over?</p> <p>13 A. Correct.</p> <p>14 Q. After the crowbar was removed from</p> <p>15 Mr. Khottavongsa, what did you do next?</p> <p>16 A. Myself and Officer Nordby approached him up</p> <p>17 near his torso area and tried to put him in handcuffs.</p> <p>18 Q. Was that right afterwards?</p> <p>19 A. Within a few seconds, I would imagine.</p> <p>20 Q. Did you do anything else in between removing</p> <p>21 the crowbar and approaching him to put him in handcuffs?</p> <p>22 A. Not that I recall, no.</p> <p>23 Q. Starting Turner Video at 21:17 -- huh-huh. Is</p> <p>24 the brightness okay?</p> <p>25 A. Glare from the lights.</p>

CODY TURNER - 03/29/2017

Pages 90..93

<p style="text-align: right;">Page 90</p> <p>1 (Video playing.)</p> <p>2 BY MR. RISSMAN:</p> <p>3 Q. First of all, stopping at 21:17:06; can you</p> <p>4 identify yourself in the video?</p> <p>5 A. How would you like me -- you want me to point?</p> <p>6 Q. Yeah, that will be good.</p> <p>7 A. Okay, right here (pointing).</p> <p>8 Q. So you were the person that went and just</p> <p>9 removed the crowbar, right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 (Video playing.)</p> <p>13 BY MR. RISSMAN:</p> <p>14 Q. Stopping at 21:17:37, are you to the far</p> <p>15 right?</p> <p>16 A. Yeah.</p> <p>17 Q. And this is prior to you handcuffing</p> <p>18 Mr. Khottavongsa?</p> <p>19 A. Yes.</p> <p>20 Q. What were you doing at that time?</p> <p>21 A. Assisting Officer Deering and putting him in</p> <p>22 handcuffs or at least watching.</p> <p>23 Q. Is your flashlight out?</p> <p>24 A. Yes.</p> <p>25 Q. And so prior to walking to the sidewalk, you</p>	<p style="text-align: right;">Page 92</p> <p>1 Mr. Khottavongsa's tasered a second time, prior to you</p> <p>2 arresting him or putting him into custody, did you inform</p> <p>3 officers in Nordby and Salvosa that he did not speak</p> <p>4 English, or your belief that he did not speak English?</p> <p>5 A. I do not recall.</p> <p>6 Q. This is at 21:17:37 you believe</p> <p>7 Mr. Khottavongsa's been tasered a second time; is that</p> <p>8 correct, on the video?</p> <p>9 A. Yes.</p> <p>10 (Video playing.)</p> <p>11 BY MR. RISSMAN:</p> <p>12 Q. Did you hear a voice say, "I don't think he</p> <p>13 speaks English"?</p> <p>14 A. Yeah, that was me.</p> <p>15 Q. And prior to you saying that, Officer Salvosa</p> <p>16 says, "Roll over on your stomach or you're going to get it</p> <p>17 again."</p> <p>18 Did you hear that in the video?</p> <p>19 A. I heard that in the video.</p> <p>20 Q. Do you recall that?</p> <p>21 A. No.</p> <p>22 Q. Do you recall, prior to him -- do you recall,</p> <p>23 at any point, after you removed the crowbar from</p> <p>24 Mr. Khottavongsa, Officer Salvosa yelling, "Don't move or</p> <p>25 you're going to get it" again?</p>
<p style="text-align: right;">Page 91</p> <p>1 walk away from Mr. Khottavongsa; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. In the clip we just played, did you witness</p> <p>4 Mr. Khottavongsa being tasered a second time?</p> <p>5 A. No. I saw it on the clip.</p> <p>6 Q. Okay.</p> <p>7 A. I don't recall it when I was on scene.</p> <p>8 Q. Okay. You saw it on the clip?</p> <p>9 A. Yes.</p> <p>10 Q. Did you -- do you recall hearing the sound of</p> <p>11 the taser cycling again?</p> <p>12 A. On the video or when I was there?</p> <p>13 Q. When you were there?</p> <p>14 A. I don't recall.</p> <p>15 Q. Does -- did you hear it on the video?</p> <p>16 A. I did, yes.</p> <p>17 Q. Did hearing it on the video refresh your</p> <p>18 recollection of Mr. Khottavongsa being tasered a second</p> <p>19 time?</p> <p>20 A. No.</p> <p>21 Q. Immediately after he is tasered a second time,</p> <p>22 did you inform Officer Salvosa and Nordby that you</p> <p>23 believed he did not speak English?</p> <p>24 A. I -- the drawer covered it. What was it?</p> <p>25 Q. I believe my question was after</p>	<p style="text-align: right;">Page 93</p> <p>1 A. No.</p> <p>2 Q. Do you recall why you told the Officer Salvosa</p> <p>3 and Officer Nordby your belief as to Mr. Khottavongsa's</p> <p>4 English ability?</p> <p>5 A. Do I recall why I said that?</p> <p>6 Q. Yes.</p> <p>7 A. No.</p> <p>8 Q. Were you concerned that Officer Salvosa was</p> <p>9 going to taser Mr. Khottavongsa a third time?</p> <p>10 A. No.</p> <p>11 Q. You were not concerned?</p> <p>12 A. (Witness shaking head.) No, I was not.</p> <p>13 Q. So you remember not being concerned?</p> <p>14 A. Correct.</p> <p>15 Q. Did the statement, "Roll over or you're going</p> <p>16 to get it again," -- does that indicate that he is</p> <p>17 threatening to taser him again?</p> <p>18 A. I do not know what he was meaning by it.</p> <p>19 Q. How did you interpret it?</p> <p>20 A. By watching the video? Because I didn't hear</p> <p>21 it when I was there.</p> <p>22 Q. You did not hear that?</p> <p>23 A. Correct, as I answered before.</p> <p>24 Q. Well, I just want to make sure we're clear</p> <p>25 here.</p>

CODY TURNER - 03/29/2017

Pages 94..97

<p style="text-align: right;">Page 94</p> <p>1 You -- you recall not hearing it or you don't 2 remember hearing it? 3 A. I recall not hearing it. 4 Q. Did you think it was valuable information for 5 the officers to have that you thought he didn't speak 6 English? 7 A. It was the reason why I believed that he 8 wasn't going to be listening, so I voiced it in order to 9 go up and put him in handcuffs. 10 Q. And so, was it your view that just continuing 11 to give him commands wasn't going to do anything? 12 A. That is correct. 13 Q. Starting at 21:17:57. 14 (Video playing.) 15 BY MR. RISSMAN: 16 Q. Stop it there. So 21:18:14, after you hear -- 17 after you say that "he doesn't speak English," did you 18 hear Officer Salvosa threaten to use the taser again? 19 A. On the video, yes. 20 Q. You heard him threaten to use the taser again 21 after you said he doesn't speak English? 22 A. Are you talking about when I was there or on 23 the video? You have to clarify because I watched video 24 and then you're asking me the question and there's two 25 different scenarios.</p>	<p style="text-align: right;">Page 96</p> <p>1 Officer Salvosa say, "Roll over or you're going to get it 2 again." 3 You say, "He doesn't speak English." 4 And then Officer Salvosa says, "Roll over" a 5 couple of times. 6 Is that correct? Is that what you heard? 7 A. Yes. 8 Q. And so, sitting here today watching the video, 9 does that indicate to you that Officer Salvosa did not 10 threaten to use the taser again after you told him that 11 you didn't believe Mr. Khottavongsa speaks English? 12 MR. HIVELEY: I think the video speaks 13 for itself. Are you just asking him to confirm the audio 14 from the video? 15 MR. RISSMAN: No, I'm not. Well, I'll 16 ask it a different way. 17 MR. HIVELEY: I just want to make sure 18 he understands, if you're asking him to say what does the 19 video say or what did -- what did he hear? 20 BY MR. RISSMAN: 21 Q. Does sitting here today, hearing the video, 22 does Officer Salvosa merely saying, "Roll over" rather 23 than, "Roll over you're going to get it again," does the 24 phrase, "Roll over" does that -- does that indicate to you 25 that Officer Salvosa is threatening to use the taser</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. Watching the video just now, you hear yourself 2 inform Officer Salvosa that you don't believe he speaks 3 English; correct? 4 A. Yes. 5 Q. After you say that, did you hear -- sitting 6 here today, did you hear Officer Salvosa threaten to use 7 the taser again? 8 A. On the video, I heard Officer Salvosa advise 9 he was going to tase him again if he didn't comply. 10 Q. Was that before or after you told him he 11 wasn't going to speak English or you didn't think he spoke 12 English? 13 A. After. 14 Q. And was that -- what phrase did he use 15 informed you of that belief? 16 A. Whatever was on the video. 17 Q. Do you recall what he said? 18 A. No. 19 Q. Let just play it again so we're not confused. 20 So 21:17:57. 21 (Video playing.) 22 BY MR. RISSMAN: 23 Q. Stopping at 21:18:14. 24 Sitting here today, watching the video -- I'll 25 just tell you what I heard. I heard him say,</p>	<p style="text-align: right;">Page 97</p> <p>1 again? 2 A. No. 3 Q. Do you recall, one way or the other, at the 4 time, not watching the video today, the order of how 5 things were said? 6 A. No. 7 Q. Do you believe, at the time, that your 8 statement that he did not speak English change Officer 9 Salvosa's behavior in any way? 10 A. I don't believe Officer Salvosa heard me say 11 it. 12 Q. You remember that at the time, that he didn't 13 hear you? 14 A. Watching the video now, I don't believe that 15 he heard me say it. 16 Q. So your basis for that belief is watching the 17 video? 18 A. Correct. 19 Q. Prior to walking away from Mr. Khottavongsa 20 when he is no longer holding the crowbar, did you believe 21 him to be an immediate threat to your safety or the safety 22 of others? 23 A. Yes. 24 Q. But he did walk away from you; correct? 25 A. Yep. Correct.</p>

CODY TURNER - 03/29/2017

Pages 98..101

<p style="text-align: right;">Page 98</p> <p>1 Q. Do you believe he was the same level of</p> <p>2 threats with the crowbar and without the crowbar?</p> <p>3 A. No.</p> <p>4 Q. Prior to getting tasered, did you see him</p> <p>5 start to get up at the time?</p> <p>6 A. Yes.</p> <p>7 Q. But you did not see him get tasered?</p> <p>8 A. I don't recall the tasered portion of it. I</p> <p>9 remember him leaning up.</p> <p>10 Q. Leaning up, okay. And did any -- not just</p> <p>11 seeing, but just sort of a combination of what was</p> <p>12 happening, what you could hear and did -- did anything</p> <p>13 indicate to you that he had been tasered at the time?</p> <p>14 A. Tased for the second time?</p> <p>15 Q. Uh-huh.</p> <p>16 A. Not that I'm aware of, no.</p> <p>17 Q. Did you see him fall back to the ground?</p> <p>18 A. I watched him lay back down, yes.</p> <p>19 Q. You thought he laid back down?</p> <p>20 A. Correct.</p> <p>21 Q. You don't think he fell back?</p> <p>22 A. Correct.</p> <p>23 Q. So was it -- was he slowly laying down?</p> <p>24 A. I watched him lay back down.</p> <p>25 Q. Was it slow?</p>	<p style="text-align: right;">Page 100</p> <p>1 was handcuffing.</p> <p>2 Q. You took no action?</p> <p>3 A. I was busy assisting Officer Deering.</p> <p>4 Q. Did you believe other police officers could</p> <p>5 handle it?</p> <p>6 A. Yes.</p> <p>7 Q. Did you believe the leaning or increased</p> <p>8 threat level of Mr. Khottavongsa -- increased his threat</p> <p>9 level?</p> <p>10 A. Yes.</p> <p>11 Q. Was it significantly?</p> <p>12 A. Yes.</p> <p>13 Q. I believe you testified earlier that you are</p> <p>14 trained to document threats that you witness to other</p> <p>15 officers or other civilians; is that correct?</p> <p>16 A. That is incorrect.</p> <p>17 Q. That is incorrect? You are not trained to</p> <p>18 document threats?</p> <p>19 A. We are trained to do an overall summary of the</p> <p>20 things that we observe, but obviously each report's going</p> <p>21 to not be a complete synopsis of the entire thing.</p> <p>22 Q. Are you supposed to document what you witness?</p> <p>23 A. A summary.</p> <p>24 Q. Did you document in your -- did you put in</p> <p>25 your police report that you saw Mr. Khottavongsa leaning</p>
<p style="text-align: right;">Page 99</p> <p>1 A. I didn't have my radar on at the time.</p> <p>2 Q. Do you not know what the word slow means</p> <p>3 without the use of a radar?</p> <p>4 A. I believe that's a relative term.</p> <p>5 Q. Well, relative to how he fell the first time,</p> <p>6 how would you describe the second laying down on the</p> <p>7 ground?</p> <p>8 A. Slower.</p> <p>9 Q. Do you recall hearing him yell or groan at the</p> <p>10 time?</p> <p>11 A. No.</p> <p>12 Q. Did you see Officer Nordby approach</p> <p>13 Mr. Khottavongsa when he started to sit up?</p> <p>14 A. I don't recall what he was doing when</p> <p>15 Khottavongsa was sitting up.</p> <p>16 Q. Well, did you see anybody approach</p> <p>17 Mr. Khottavongsa?</p> <p>18 A. I don't recall.</p> <p>19 Q. Did you do anything when you saw</p> <p>20 Mr. Khottavongsa start -- I think you said -- was the</p> <p>21 phrase you used, "Lean up"?</p> <p>22 A. Yes.</p> <p>23 Q. When you start -- when you saw him lean up,</p> <p>24 did you do anything?</p> <p>25 A. Continued watching Officer Deering while he</p>	<p style="text-align: right;">Page 101</p> <p>1 up?</p> <p>2 A. No.</p> <p>3 Q. Is that because you didn't believe it to be a</p> <p>4 significant threat?</p> <p>5 A. No.</p> <p>6 Q. At that time did you believe that tasered him</p> <p>7 was the only option available?</p> <p>8 A. In order to get him from standing up or keep</p> <p>9 him from standing up?</p> <p>10 Q. Correct.</p> <p>11 A. Yes.</p> <p>12 Q. Is there any reason you could not have</p> <p>13 communicated your belief to other officers that</p> <p>14 Khottavongsa did not speak English prior to him being</p> <p>15 tasered the second time?</p> <p>16 A. Say that again?</p> <p>17 Q. Is there any reason that you could not have</p> <p>18 communicated your belief to the other officers that</p> <p>19 Khottavongsa did not speak English prior to</p> <p>20 Mr. Khottavongsa being tasered a second time?</p> <p>21 A. I guess I'm not understanding what you're</p> <p>22 asking for.</p> <p>23 Q. You communicated your belief that he -- that</p> <p>24 Mr. Khottavongsa did not speak English to other officers</p> <p>25 after he was tasered a second time; correct?</p>

CODY TURNER - 03/29/2017

Pages 102..105

<p style="text-align: right;">Page 102</p> <p>1 A. Yes.</p> <p>2 Q. Is there any reason you could not have done</p> <p>3 that earlier?</p> <p>4 A. Yes.</p> <p>5 Q. And what is that reason?</p> <p>6 A. I was busy assisting Officer Deering.</p> <p>7 Q. Prior to – immediately after removing the</p> <p>8 crowbar, were you busy assisting Officer Deering?</p> <p>9 A. No.</p> <p>10 Q. Is there any reason you could not have</p> <p>11 communicated your belief that Mr. Khottavongsa did not</p> <p>12 speak English immediately after removing the crowbar?</p> <p>13 A. I'm not sure what I was thinking at the time.</p> <p>14 Q. So sitting here today, you can't say one way</p> <p>15 or another whether that would have been an available</p> <p>16 option to you?</p> <p>17 A. Correct.</p> <p>18 Q. Did you have a duty to intervene to prevent</p> <p>19 Officer Salvosa from tasing Mr. Khottavongsa a second</p> <p>20 time?</p> <p>21 A. No.</p> <p>22 Q. And is that because you don't believe tasing</p> <p>23 a second time was excessive force?</p> <p>24 A. Correct.</p> <p>25 Q. Should we take a lunch break?</p>	<p style="text-align: right;">Page 104</p> <p>1 Actually, let me start on page 5 of 8. The</p> <p>2 last question is – well second-to-the-last question is:</p> <p>3 "You said he was noncompliant. Did this</p> <p>4 continue after being handcuffed and searched?"</p> <p>5 Answer: "Yes, it did."</p> <p>6 "Yes, in what way?"</p> <p>7 Answer: "When Officer Nordby and I lifted him</p> <p>8 up to his feet he refused to put his feet down and kept</p> <p>9 them bent forcing us to carry him under his arm to the</p> <p>10 squad car."</p> <p>11 Question: "Did you observe anything else</p> <p>12 unusual about this male?"</p> <p>13 Answer: "He appeared to be under the</p> <p>14 influence."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Does that refresh your memory that you believe</p> <p>18 he was under the influence?</p> <p>19 A. It refreshes my memory that I advised the</p> <p>20 sheriff's office that he appeared under the influence.</p> <p>21 Q. You don't recall, at the time of the scene,</p> <p>22 that he appeared to be under the influence?</p> <p>23 A. I do not.</p> <p>24 Q. Do you have any reason to doubt that when you</p> <p>25 made this statement to the Hennepin County Sheriffs</p>
<p style="text-align: right;">Page 103</p> <p>1 MR. HIVELEY: Sure.</p> <p>2 (Whereupon, a recess was taken</p> <p>3 from 11:45 a.m. to 12:34 p.m.)</p> <p>4 BY MR. RISSMAN:</p> <p>5 Q. Welcome back, Officer Turner. You understand</p> <p>6 you're still under oath?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Earlier, you mentioned – you testified</p> <p>9 that you believed Mr. Khottavongsa to be intoxicated prior</p> <p>10 to removing the crowbar; correct?</p> <p>11 A. Yes.</p> <p>12 Q. And one of the reasons, I believe you gave,</p> <p>13 was that you come across a lot of people and a lot of</p> <p>14 people are intoxicated; is that right?</p> <p>15 A. Correct.</p> <p>16 Q. Was there any other reason, other than just</p> <p>17 that you come across a lot of intoxicated people?</p> <p>18 A. No.</p> <p>19 Q. After you removed the crowbar, and in the</p> <p>20 course of taking Mr. Khottavongsa into custody, did – did</p> <p>21 you begin to believe, based on what you observed of him,</p> <p>22 that he was intoxicated?</p> <p>23 A. I'm not – I don't recall.</p> <p>24 Q. If you pull up Exhibit 2, Brooklyn Ctr 0049,</p> <p>25 page 6 of 8.</p>	<p style="text-align: right;">Page 105</p> <p>1 Office that you were telling the truth?</p> <p>2 A. No.</p> <p>3 Q. What training are you given – how do you</p> <p>4 handle people who you believe to be under the influence?</p> <p>5 What training are you given?</p> <p>6 A. There is no specific training for that.</p> <p>7 Q. Does someone being under the influence give</p> <p>8 rise to a concern for that person's safety?</p> <p>9 A. I'm sorry?</p> <p>10 Q. Well, if you observe someone under the</p> <p>11 influence, are there instances where you would be</p> <p>12 concerned for that person's safety?</p> <p>13 A. Not necessarily, no.</p> <p>14 Q. Are you trained to seek medical assistance for</p> <p>15 people that you – well, I suppose there's different</p> <p>16 levels of being under the influence; correct?</p> <p>17 A. Correct.</p> <p>18 Q. If someone appears to be under the influence</p> <p>19 or heavily intoxicated, are you trained to seek medical</p> <p>20 assistance for that person?</p> <p>21 A. No.</p> <p>22 Q. Are you given any training whatsoever with</p> <p>23 regard to seeking medical attention for people you believe</p> <p>24 to be either intoxicated or under the influence?</p> <p>25 A. No.</p>

CODY TURNER - 03/29/2017

Pages 106..109

<p style="text-align: right;">Page 106</p> <p>1 Q. Have you ever called an ambulance for someone 2 who was on drugs or very drunk? 3 A. Yes. 4 Q. Why did you do that? 5 A. Because at the time they were not able to take 6 care of themselves and needed to go somewhere to sober up. 7 Q. How did you know they weren't able to take 8 care of themselves? 9 A. Usually constant complaints from other 10 citizens saying they were either begging from them or 11 walking out in front of cars. 12 Q. Have you ever, in your time at 13 Brooklyn Center, encountered someone who was passed out 14 from drugs or alcohol? 15 A. Yes. 16 Q. Did you seek medical assistance for them? 17 A. In some instances. 18 Q. Why? 19 A. I don't remember the specific circumstances. 20 I mean, there's been hundreds. 21 Q. If someone is passed out from drugs or 22 alcohol, are you concerned that -- that without medical 23 assistance, they could die? 24 A. No. 25 Q. That they could be injured?</p>	<p style="text-align: right;">Page 108</p> <p>1 what you mean -- don't know what you mean by "similar." 2 Q. Okay. And so after you rolled him over, what 3 did you do? 4 A. Placed him in handcuffs. 5 Q. What did you have to do to accomplish that? 6 A. Place his hands behind his back and put him in 7 handcuffs. 8 Q. Did you put your knee into his back? 9 A. Most likely, yes. 10 Q. After you handcuffed him, what did you do? 11 A. I recall searching him to make sure he didn't 12 have any other weapons on him. 13 Q. After he was handcuffed and searched, did you 14 deem him an immediate threat to your safety? 15 A. No, significantly reduced at that time. 16 Q. What -- did you think he was some sort of 17 threat? 18 A. Yes. 19 Q. Why is that? 20 A. Still had the use of his legs. 21 Q. After you hand -- still had the use of his 22 legs? 23 MR. HIVELEY: What? Was that a 24 question? 25 MR. RISSMAN: I was just repeating it</p>
<p style="text-align: right;">Page 107</p> <p>1 A. No. 2 Q. So going back to the scene, I believe you say 3 you approached Mr. Khottavongsa with Officer Nordby; is 4 that correct? 5 A. Yes. 6 Q. And so, did you roll him over? 7 A. Yes. 8 Q. Did he assist you with that or did you have to 9 forcibly roll him over? 10 A. Did Khottavongsa assist me? 11 Q. Yes. 12 A. I believe he was not compliant. 13 Q. So did you have to use force to roll him over? 14 A. We had to roll him over. 15 Q. If someone is not compliant and you -- you 16 physically roll them over, do you consider that a use of 17 force? 18 A. No. 19 Q. Was he conscious at that point? 20 A. Yes. 21 Q. Did you place your hand on his neck or upper 22 back area and force him to the ground? 23 A. No. 24 Q. Or something similar? 25 A. It's a pretty generic -- I guess I don't know</p>	<p style="text-align: right;">Page 109</p> <p>1 back. 2 BY MR. RISSMAN: 3 Q. After that, do you -- do you tell him to 4 stand? 5 A. Uh-huh. Yes. 6 Q. And did he stand? 7 A. No. 8 Q. And do you lift him off the ground? 9 A. Yes. 10 Q. And do you carry him to the car? 11 A. Gave himself opportunities to put his legs 12 down, told him verbally put his legs down and walk, and he 13 didn't comply, so we had to carry him underneath his arms 14 to the squad. 15 Q. And did his legs drag on the ground? 16 A. I think partially, they were up off the ground 17 or dragging on the ground. I don't remember, specifically 18 which one. 19 Q. How do you know he had the use of his legs, if 20 he -- if his legs were dragging against the ground? How 21 do you know if he had the use of his legs at this point? 22 A. I don't understand the question. 23 Q. Earlier you testified that he still had the 24 use of his legs? 25 A. When he was laying on the ground after being</p>

CODY TURNER - 03/29/2017

Pages 110..113

<p style="text-align: right;">Page 110</p> <p>1 handcuffed, yes.</p> <p>2 Q. Okay. Do you think -- is your observation --</p> <p>3 your testimony that he still had the use of his legs --</p> <p>4 did you think he still had the use of his legs after</p> <p>5 dragging him?</p> <p>6 A. After we got him up off the ground and I told</p> <p>7 him to put his legs down and he did not. At that point I</p> <p>8 figured he was not going to listen and put his legs down,</p> <p>9 so we carried him to the squad car.</p> <p>10 Q. My question was: Did you think he was able to</p> <p>11 use his legs?</p> <p>12 A. When?</p> <p>13 Q. When you lifted him up off the ground and told</p> <p>14 him to walk?</p> <p>15 A. Yes.</p> <p>16 Q. Did you assume, then, that he was just</p> <p>17 resisting you?</p> <p>18 A. That is correct.</p> <p>19 Q. Why did you assume that?</p> <p>20 A. Because it's very frequent that, when someone</p> <p>21 is being arrested and they don't want to go to jail or get</p> <p>22 in trouble, that they do anything in their power to not</p> <p>23 listen to very simple commands.</p> <p>24 Q. And so, does having to drag him to the car,</p> <p>25 did that indicate to you that he was -- was injured?</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Yes.</p> <p>2 Q. And did you interact with the paramedics?</p> <p>3 A. I did.</p> <p>4 Q. You did?</p> <p>5 A. Yes.</p> <p>6 Q. And did you describe to them</p> <p>7 Mr. Khottavongsa's symptoms or injuries?</p> <p>8 A. I did.</p> <p>9 Q. I'm sorry, you said you did?</p> <p>10 A. Yes, I did.</p> <p>11 Q. I just didn't hear you. I'm going to play</p> <p>12 Turner at 21:28:20.</p> <p>13 (Video audio playing.)</p> <p>14 BY MR. RISSMAN:</p> <p>15 Q. I'm stopping the Turner audio at 21:28:31.</p> <p>16 Do you recognize the sound of your voice on</p> <p>17 the clip I just played?</p> <p>18 A. I do.</p> <p>19 Q. Do you say, "He's walking, talking fine. This</p> <p>20 guy we've had to drag him everywhere. He pissed his</p> <p>21 pants, he's got two probes in him and he hit his head on</p> <p>22 the concrete."</p> <p>23 A. Was that me saying that?</p> <p>24 Q. Yes.</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 111</p> <p>1 A. He was not dragged.</p> <p>2 Q. He was not dragged?</p> <p>3 A. Correct.</p> <p>4 Q. That's your testimony?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. At any other point, was he dragged?</p> <p>7 A. No. Bringing him to the car?</p> <p>8 Q. Well, at any other point in the encounter?</p> <p>9 A. On the ground, no.</p> <p>10 Q. At any other point in the incident, did you</p> <p>11 drag him?</p> <p>12 A. He was pulled out of the back of the squad</p> <p>13 after we had determined he was not going to sit up under</p> <p>14 his own power.</p> <p>15 Q. Do you define that as dragging?</p> <p>16 A. There's no other way to describe it.</p> <p>17 Q. Is that a yes? Yes, you dragged him?</p> <p>18 A. I can't think of any other way to describe it.</p> <p>19 Q. So is the answer yes, that you dragged him, at</p> <p>20 that point?</p> <p>21 A. We pulled him out of the squad, so no. I'll</p> <p>22 say we pulled him out of the squad. At no point was he</p> <p>23 dragged.</p> <p>24 Q. At some point in the encounter with</p> <p>25 Mr. Khottavongsa you -- the paramedics arrived?</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. And do you believe, at this time, you were</p> <p>2 speaking to the paramedics?</p> <p>3 A. I'm not sure who I was talking to.</p> <p>4 Q. Okay. Prior to that statement, do you say,</p> <p>5 "Probably check his vitals to make sure he's not going to</p> <p>6 croak out on us?"</p> <p>7 A. Yes.</p> <p>8 Q. Hindsight, not knowing what you know today, do</p> <p>9 you think Mr. Khottavongsa was, by -- by not walking, do</p> <p>10 you think he was intentionally refusing to comply with</p> <p>11 your commands?</p> <p>12 A. Yes.</p> <p>13 Q. Did you believe, at that time, that he</p> <p>14 understood your commands?</p> <p>15 A. Yes.</p> <p>16 Q. Why did you think that?</p> <p>17 A. Because it's normal human behavior to put your</p> <p>18 feet down if you're being held off the ground to stand up</p> <p>19 so that you don't fall.</p> <p>20 Q. And so, with the knowledge that he had already</p> <p>21 hit his head and that he had been tasered and that he</p> <p>22 wasn't following his normal human behavior of putting your</p> <p>23 feet down, at that point in time, you did not know that he</p> <p>24 was injured?</p> <p>25 A. Correct.</p>

CODY TURNER - 03/29/2017

Pages 114..117

<p style="text-align: right;">Page 114</p> <p>1 Q. And you did not suspect that he was injured?</p> <p>2 A. No.</p> <p>3 Q. Did you have indication, in any way, that he</p> <p>4 was injured?</p> <p>5 A. I did not.</p> <p>6 Q. Do you feel like if you had gotten better</p> <p>7 training, you would have been able to recognize the</p> <p>8 injury?</p> <p>9 A. If I went to school to be a doctor, possibly.</p> <p>10 Q. Anything short of medical school, do you</p> <p>11 think - would you have liked to have had better training</p> <p>12 recognizing, as a first responder, people's potential</p> <p>13 injuries at that time?</p> <p>14 A. No.</p> <p>15 Q. Okay. And why was it necessary to drag him to</p> <p>16 the car - excuse me, to carry him to the car?</p> <p>17 A. Because he was under arrest.</p> <p>18 Q. Could you have let him stay on the curb in</p> <p>19 handcuffs? Was that a possibility?</p> <p>20 I'll ask the question differently. Would</p> <p>21 it have - would it have been consistent with your</p> <p>22 training and police procedure to allow him to stay on the</p> <p>23 cement slab in handcuffs?</p> <p>24 A. No.</p> <p>25 Q. If you look at your statement on page 5 of 8,</p>	<p style="text-align: right;">Page 116</p> <p>1 A. He wouldn't get in.</p> <p>2 Q. And you assumed, at that time, that was</p> <p>3 because he was faking it?</p> <p>4 A. I never said anything about anybody faking.</p> <p>5 Q. You assumed he was intentionally not getting</p> <p>6 in the police car?</p> <p>7 A. Correct.</p> <p>8 Q. And so were - you and Officer Nordby were</p> <p>9 both holding him up at that point?</p> <p>10 A. Yep.</p> <p>11 Q. And when you were in front of the police car</p> <p>12 door, you were both holding him up; is that correct?</p> <p>13 A. Until Officer Nordby went over to the other</p> <p>14 side of the car, yes.</p> <p>15 Q. So what did you do with him when</p> <p>16 Officer Nordby went around the other side?</p> <p>17 A. Held him up as best I could.</p> <p>18 Q. Did you - would you have used two hands or</p> <p>19 one hand?</p> <p>20 A. I have no idea.</p> <p>21 Q. Okay. Did you try to open the car door? Did</p> <p>22 you open the car door?</p> <p>23 A. I don't remember.</p> <p>24 Q. Turner video 21:18:48.</p> <p>25 (Video playing.)</p>
<p style="text-align: right;">Page 115</p> <p>1 Brooklyn Ctr 0048, third question from the bottom, "Was</p> <p>2 his placement in the back of your squad car routine move</p> <p>3 or were there other circumstances that led you to think</p> <p>4 that he needed to be confined sooner?"</p> <p>5 Answer: "Because of his non-compliance, he</p> <p>6 was placed in the back of the squad car sooner than</p> <p>7 normal."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. So if he had been compliant, he would have -</p> <p>11 you could have left him on the cement slab for some period</p> <p>12 of time?</p> <p>13 A. It is possible, yes.</p> <p>14 Q. Do you think someone that doesn't understand</p> <p>15 what you're saying is non-compliant?</p> <p>16 A. Depends what I'm asking them.</p> <p>17 Q. Okay. And then - so then, after that, you</p> <p>18 brought him to the police car?</p> <p>19 A. Yes.</p> <p>20 Q. And that was your squad car?</p> <p>21 A. Yes.</p> <p>22 Q. Did you have trouble getting him into the</p> <p>23 squad car?</p> <p>24 A. Yes, we did.</p> <p>25 Q. How so?</p>	<p style="text-align: right;">Page 117</p> <p>1 BY MR. RISSMAN:</p> <p>2 Q. Stopping at 21:20:10.</p> <p>3 So you see at the end of that clip</p> <p>4 Officer Nordby comes around to one side, as you described;</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And there was quite a bit of noise or</p> <p>8 shuffling prior to that.</p> <p>9 Can you explain what that noise was?</p> <p>10 A. No.</p> <p>11 Q. Was Mr. Khotavongsa pressed up against the</p> <p>12 car?</p> <p>13 A. No.</p> <p>14 Q. What would you - where would you have put</p> <p>15 him?</p> <p>16 A. He would have been in between the door and the</p> <p>17 seat.</p> <p>18 Q. Right, but prior to getting in the car, and</p> <p>19 you said you had difficulty getting him in the car; is</p> <p>20 that correct?</p> <p>21 A. With the door open, yes.</p> <p>22 Q. So the door was already open?</p> <p>23 A. Yes.</p> <p>24 Q. And then Officer Nordby went around?</p> <p>25 A. Correct.</p>

CODY TURNER - 03/29/2017

Pages 118..121

<p style="text-align: right;">Page 118</p> <p>1 Q. But you don't know what that noise was?</p> <p>2 A. What noise are you talking about?</p> <p>3 Q. So when the video we just heard, it's kind of</p> <p>4 like sounds like somebody's rubbing up against the mic.</p> <p>5 Did you hear that?</p> <p>6 A. Yes.</p> <p>7 Q. And can you tell me what that was?</p> <p>8 A. No.</p> <p>9 Q. Did you ever place him against the -- against</p> <p>10 the side of the car, Mr. Khottavongsa?</p> <p>11 A. No.</p> <p>12 Q. Okay. Did you ever put him on the ground, at</p> <p>13 that point?</p> <p>14 A. No.</p> <p>15 Q. So at some point, at all times, either you or</p> <p>16 you and Mr. -- Officer Nordby were holding him up; is that</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. And was his head slumped down?</p> <p>20 A. I don't recall.</p> <p>21 Q. Early in the clip I just played, did you hear</p> <p>22 some moaning and groaning from Mr. Khottavongsa?</p> <p>23 A. I heard moaning and groaning.</p> <p>24 Q. Do you recall Mr. Khottavongsa moaning and</p> <p>25 groaning?</p>	<p style="text-align: right;">Page 120</p> <p>1 A. He continued laying in the back of the squad</p> <p>2 car and told him to sit up several times, he didn't want</p> <p>3 to, so I noticed he had fallen down between the cage and</p> <p>4 the seat partition, and so we decided to pull him out of</p> <p>5 the car.</p> <p>6 Q. So did you tell him to sit up prior to him</p> <p>7 falling in the wedge?</p> <p>8 A. I don't remember what the order was.</p> <p>9 Q. Did you tell him to sit up and then -- and</p> <p>10 then walk away or did you tell him to sit up and then take</p> <p>11 him out at the scene?</p> <p>12 A. I believe it was -- I told him to sit up, and</p> <p>13 when he didn't we, soon after, pulled him out.</p> <p>14 Q. There was no delay between --</p> <p>15 A. I can't do them simultaneously, so it would</p> <p>16 have been a delay, just a matter of how long, but I don't</p> <p>17 know.</p> <p>18 Q. But you wouldn't have walked away and done</p> <p>19 something else?</p> <p>20 A. I don't recall.</p> <p>21 Q. This is Turner starting in the same place we</p> <p>22 left off, 21:20:10.</p> <p>23 (Video playing.)</p> <p>24 BY MR. RISSMAN:</p> <p>25 Q. Stopping at 21:21:47.</p>
<p style="text-align: right;">Page 119</p> <p>1 A. No.</p> <p>2 Q. Do you believe that was not Mr. Khottavongsa</p> <p>3 moaning and groaning?</p> <p>4 A. I'm not sure who it was.</p> <p>5 Q. Do you believe that moaning and groaning that</p> <p>6 you heard is a sign -- is a possible sign of an injury?</p> <p>7 A. I'm not a doctor, so I'm not sure.</p> <p>8 Q. In your first responder training, do you have</p> <p>9 anything to indicate that that type of moaning and</p> <p>10 groaning is the possible sign of an injury?</p> <p>11 A. No.</p> <p>12 Q. And so you laid him down in the seat</p> <p>13 face-down; is that right, Mr. Khottavongsa, you laid</p> <p>14 Mr. Khottavongsa on the seat face-down?</p> <p>15 A. I believe he was on his side.</p> <p>16 Q. Was that how you would lay somebody down who</p> <p>17 you believe is intoxicated?</p> <p>18 A. Typically, if they're intoxicated and that was</p> <p>19 the only thing that was occurring, they'd be still outside</p> <p>20 waiting for an ambulance or would be left where they are.</p> <p>21 They wouldn't be getting arrested and put in the back of a</p> <p>22 car. So if you're referring to an arrested intoxicated</p> <p>23 person, yes.</p> <p>24 Q. Okay. With respect to Mr. Khottavongsa, what</p> <p>25 happened after that, that you witnessed?</p>	<p style="text-align: right;">Page 121</p> <p>1 Earlier you testified that you told him to sit</p> <p>2 up several times; correct?</p> <p>3 A. I believe so, yes.</p> <p>4 Q. In the video clip I just played to you, did</p> <p>5 you tell him to sit up several times?</p> <p>6 A. Not that I could hear.</p> <p>7 Q. You did say, "Hop out, come outside;" is that</p> <p>8 correct?</p> <p>9 A. Something like that, yes.</p> <p>10 Q. And then you say, "Outside or we'll drag you,</p> <p>11 it doesn't matter to me"?</p> <p>12 A. Correct.</p> <p>13 Q. And then you remove him from the police car?</p> <p>14 A. Yes.</p> <p>15 Q. And at the time, do you remember that -- do</p> <p>16 you remember him hitting his head on the car door on the</p> <p>17 way to the ground?</p> <p>18 A. No.</p> <p>19 Q. Why did you believe it was necessary to remove</p> <p>20 him from the car?</p> <p>21 A. Because he wasn't sitting up under his own</p> <p>22 power.</p> <p>23 Q. What did that indicate to you?</p> <p>24 A. That he wasn't listening.</p> <p>25 Q. So the reason you removed him from the car is</p>

CODY TURNER - 03/29/2017

Pages 122..125

<p style="text-align: right;">Page 122</p> <p>1 because he wasn't listening?</p> <p>2 A. Correct.</p> <p>3 Q. Why did you care if he was not sitting up</p> <p>4 under his own power?</p> <p>5 A. I don't believe I said anything about my level</p> <p>6 of care.</p> <p>7 Q. Well, I asked you earlier did you believe it</p> <p>8 was necessary to remove him from the car because he wasn't</p> <p>9 sitting up under his own power.</p> <p>10 Why - why did him not sitting up under his</p> <p>11 own power - why is that a problem for you, or was it at</p> <p>12 the time?</p> <p>13 A. I'm sorry?</p> <p>14 Q. Why does him not sitting up under his own</p> <p>15 power matter?</p> <p>16 A. Because he's not supposed to be laying down</p> <p>17 between the - on the floorboards of the squad car.</p> <p>18 Q. Why is that?</p> <p>19 A. Because that's not where people lay.</p> <p>20 Q. So you removing him from the car because he</p> <p>21 wasn't sitting up under his own power had nothing to do</p> <p>22 with your concern for Mr. Khottavongsa's safety; is that</p> <p>23 correct?</p> <p>24 A. I didn't think that he was not - there was no</p> <p>25 threat to him from anybody else. Is that what you're</p>	<p style="text-align: right;">Page 124</p> <p>1 A. No.</p> <p>2 Q. At any point, do you recall Mr. Khottavongsa</p> <p>3 moaning and groaning?</p> <p>4 A. From watching the video?</p> <p>5 Q. No, just what you recall at the time.</p> <p>6 A. No.</p> <p>7 Q. If you pull out your statement, Brooklyn Ctr</p> <p>8 0049, 6 of 8. Do you see the question almost to the</p> <p>9 middle, "At some point did you notice any potential</p> <p>10 medical problem the male may be having?"</p> <p>11 Answer: "Yes."</p> <p>12 Question: "What was that?"</p> <p>13 Answer: "After he had been placed in the back</p> <p>14 after squad car I noticed that had he did not sit up under</p> <p>15 his own power. Since this was a concern, Officer Nordby</p> <p>16 and I removed him from the car to better check his</p> <p>17 welfare. We placed him on the ground in recovery</p> <p>18 position. He continued to mumble and would not answer any</p> <p>19 of our questions. He was also moaning and groaning."</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Did you tell Hennepin County that, at some</p> <p>23 point, you observed him moaning and groaning?</p> <p>24 A. Yes.</p> <p>25 Q. Does that refresh your memory as to</p>
<p style="text-align: right;">Page 123</p> <p>1 referring to; is somebody a danger to him?</p> <p>2 Q. Well, did his failure to sit up under his own</p> <p>3 power indicate to you that Mr. Khottavongsa may be</p> <p>4 injured?</p> <p>5 A. No.</p> <p>6 Q. Or that he was in need of medical attention?</p> <p>7 A. Yes.</p> <p>8 Q. Yes, it indicated to you he was in need of</p> <p>9 medical attention?</p> <p>10 A. It indicated to me that he should be checked</p> <p>11 out by a paramedic.</p> <p>12 Q. Why?</p> <p>13 A. Because he wasn't leaning up under his own</p> <p>14 power.</p> <p>15 Q. So in your mind, there's a difference between</p> <p>16 a medical condition and a potential injury?</p> <p>17 A. Yes.</p> <p>18 Q. What medical condition were you concerned</p> <p>19 about?</p> <p>20 A. That he was intoxicated.</p> <p>21 Q. Were you concerned that he needed medical</p> <p>22 attention because of his perceived intoxicated condition</p> <p>23 prior to putting him in the police car?</p> <p>24 A. No.</p> <p>25 Q. How about at any point before that?</p>	<p style="text-align: right;">Page 125</p> <p>1 Mr. Khottavongsa moaning and groaning?</p> <p>2 A. Vaguely, yeah.</p> <p>3 Q. Was the moaning and groaning, did it occur</p> <p>4 while he was in the squad car?</p> <p>5 A. That, I don't recall.</p> <p>6 Q. You don't recall the timing?</p> <p>7 A. Correct.</p> <p>8 Q. At any point, did you notice that he had - he</p> <p>9 had wet himself?</p> <p>10 A. Yes.</p> <p>11 Q. When did you notice that?</p> <p>12 A. When we had pulled him out of the squad car</p> <p>13 and placed him in the recovery position.</p> <p>14 Q. Did that indicate to you that he had a medical</p> <p>15 condition?</p> <p>16 A. No.</p> <p>17 Q. How about being injured?</p> <p>18 A. No.</p> <p>19 Q. You just assumed that that was because he was</p> <p>20 intoxicated?</p> <p>21 A. Yes.</p> <p>22 Q. At the point in time when you took him out of</p> <p>23 the police car, was he conscious at that point?</p> <p>24 A. Yes.</p> <p>25 Q. Did he appear to you to be in pain?</p>

CODY TURNER - 03/29/2017

Pages 126..129

<p style="text-align: right;">Page 126</p> <p>1 A. No.</p> <p>2 Q. Did he seem to be in generally as good a</p> <p>3 condition as he was in when you first observed him after</p> <p>4 he was tasered?</p> <p>5 A. About the same, yes.</p> <p>6 Q. You understand that Mr. Khottavongsa later</p> <p>7 passed away, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. In hindsight, and not -- not from the</p> <p>10 perspective of what you knew then, but what you now know,</p> <p>11 would you have done anything differently?</p> <p>12 A. As far as my response to the call, or whether</p> <p>13 he was tased? I guess I don't understand what -- where</p> <p>14 you're talking from.</p> <p>15 Q. Is there anything you would have done</p> <p>16 differently with respect to Mr. Khottavongsa?</p> <p>17 MR. HIVELEY: You mean with respect to</p> <p>18 the whole incident?</p> <p>19 MR. RISSMAN: Yes.</p> <p>20 THE WITNESS: There's so many variables</p> <p>21 in that, I have no idea where to start. Had I been the</p> <p>22 first officer, was I fifth officer there? I guess I don't</p> <p>23 understand where you're going with the question.</p> <p>24 BY MR. RISSMAN:</p> <p>25 Q. Well, just the -- not -- not a -- the same</p>	<p style="text-align: right;">Page 128</p> <p>1 throughout your interaction with Mr. Khottavongsa?</p> <p>2 A. No.</p> <p>3 Q. He seemed less disoriented as the interaction</p> <p>4 went along?</p> <p>5 A. Yes.</p> <p>6 Q. At what point was he less disoriented?</p> <p>7 A. When he tried to sit up.</p> <p>8 Q. And then after -- after -- and then you</p> <p>9 understand that he was then tasered; correct?</p> <p>10 A. He was tased again?</p> <p>11 Q. Yes.</p> <p>12 A. Yes.</p> <p>13 Q. After that, did he -- what was his level of</p> <p>14 disorientation?</p> <p>15 A. Normal. I mean, it was -- there was no -- I</p> <p>16 didn't notice anything different.</p> <p>17 Q. Was it the same level of disorientation that</p> <p>18 you observed after the first fall?</p> <p>19 A. I wasn't standing by him after he got tased</p> <p>20 the second time so I don't recall. I was helping</p> <p>21 Officer Deering.</p> <p>22 Q. Right. But at any point in your interaction</p> <p>23 with him, was his level of disorientation -- well, let's</p> <p>24 pinpoint the timing here.</p> <p>25 So after he was tasered the second time, you</p>
<p style="text-align: right;">Page 127</p> <p>1 role you were in, but just knowing that -- I mean, you</p> <p>2 know that you ultimately died; right?</p> <p>3 A. You just asked that.</p> <p>4 Q. And do you have any reason to doubt that it</p> <p>5 was as a result of something that occurred at that</p> <p>6 incident?</p> <p>7 A. No.</p> <p>8 Q. Knowing that, do you look back and say, well,</p> <p>9 had I known that he was going to die, I would have done</p> <p>10 something different?</p> <p>11 A. No.</p> <p>12 Q. Same part of your statement, on</p> <p>13 Brooklyn Ctr 0049, the same question, middle of the page:</p> <p>14 What was that, second sentence from -- second</p> <p>15 from the last sentence said, "He continued to mumble and</p> <p>16 would not answer any of our questions."</p> <p>17 What questions did you ask Mr. Khottavongsa?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you know if you asked any questions to him?</p> <p>20 A. I do not.</p> <p>21 Q. You testified earlier that he seemed</p> <p>22 disoriented right after the first taser -- after he was</p> <p>23 tased the first time, is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Did that state of disorientation remain</p>	<p style="text-align: right;">Page 129</p> <p>1 and Officer Nordby interact with him and then you place</p> <p>2 him in handcuffs and you take him to the squad car;</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. At that point in time, did his level of</p> <p>6 disorientation, did it seem the same as when he was</p> <p>7 tasered the -- right after the first time?</p> <p>8 A. Less.</p> <p>9 Q. And how about when you pulled him out of the</p> <p>10 squad car?</p> <p>11 A. Same as when he went in.</p> <p>12 Q. How about when the paramedics got there?</p> <p>13 A. Same.</p> <p>14 Q. Do you recall -- well, is it -- is it standard</p> <p>15 procedure, when there's multiple officers on a scene, to</p> <p>16 discuss what charges you think are appropriate for the</p> <p>17 people involved?</p> <p>18 A. Yeah.</p> <p>19 Q. Do you recall doing that in this case?</p> <p>20 A. I believe there was a conversation, but I'm</p> <p>21 not sure what I said.</p> <p>22 Q. Do you recall recommending a disorderly</p> <p>23 conduct charge for Mr. Khottavongsa?</p> <p>24 A. Yeah, vaguely.</p> <p>25 Q. And I assume you have some training on knowing</p>

CODY TURNER - 03/29/2017

Pages 130..133

<p style="text-align: right;">Page 130</p> <p>1 what facts - what the elements of any particular crime</p> <p>2 you recommend charges for are?</p> <p>3 A. Yes.</p> <p>4 Q. What does disorderly conduct mean to you?</p> <p>5 A. It's a very, very broad charge description.</p> <p>6 Q. Is it a misdemeanor?</p> <p>7 A. Yes.</p> <p>8 Q. Is it significantly less serious than a</p> <p>9 second-degree assault?</p> <p>10 A. It is.</p> <p>11 Q. Would you say it's less serious than</p> <p>12 5th degree assault?</p> <p>13 A. Can be interchanged.</p> <p>14 Q. Do you recall who you had that discussion</p> <p>15 with?</p> <p>16 A. No.</p> <p>17 Q. Do you think swinging a crowbar at someone</p> <p>18 the, way you described Mr. Khotavongsa doing it, do you</p> <p>19 think that's consistent with disorderly conduct?</p> <p>20 A. Absolutely not.</p> <p>21 Q. And ultimately, are you aware that he was</p> <p>22 charged with disorderly conduct and obstruction of legal</p> <p>23 process without force?</p> <p>24 A. I'm not sure what the county attorney or the</p> <p>25 city attorney, I wasn't told.</p>	<p style="text-align: right;">Page 132</p> <p>1 your uniform on but someone else is - is that what you're</p> <p>2 talking about, kind of like security or something?</p> <p>3 A. No.</p> <p>4 Q. What do you mean when you say "work events"?</p> <p>5 A. Events where all of the people from the police</p> <p>6 department are there, like a Christmas party or something</p> <p>7 like that.</p> <p>8 Q. Oh, okay. Got you. Oh, work - I got it. I</p> <p>9 thought you meant working events?</p> <p>10 A. No.</p> <p>11 Q. Okay. I want to play you Turner - just the</p> <p>12 audio, really - 21:35:36.</p> <p>13 (Video audio playing.)</p> <p>14 BY MR. RISSMAN:</p> <p>15 Q. Does that refresh your memory as to a</p> <p>16 conversation you were a part of as to which charges might</p> <p>17 be appropriate for Mr. Khotavongsa?</p> <p>18 A. None of those are me.</p> <p>19 Q. None of them were?</p> <p>20 A. No.</p> <p>21 Q. Who do you think was talking?</p> <p>22 A. Other officers that were on the scene.</p> <p>23 Q. Was that Sergeant Coleman?</p> <p>24 A. I'm not sure.</p> <p>25 Q. Officer Salvosa?</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. Well, I guess I should say, do you recall the</p> <p>2 recommended charges from the Brooklyn Center police</p> <p>3 department were disorderly conduct and obstruction of</p> <p>4 legal process without force?</p> <p>5 A. Not the specifics.</p> <p>6 Q. Okay. And is swinging a crowbar at someone,</p> <p>7 the way that you described it, consistent with obstruction</p> <p>8 of legal process without force?</p> <p>9 A. No.</p> <p>10 Q. Are you friends with Officer Salvosa?</p> <p>11 A. I work with him.</p> <p>12 Q. Do you - do you consider him a friend?</p> <p>13 A. He's one of my co-workers.</p> <p>14 Q. Do you have a good relationship?</p> <p>15 A. We work together good.</p> <p>16 Q. Do you have occasion to, you know, go out for</p> <p>17 a meal or drink after work or something?</p> <p>18 A. No.</p> <p>19 Q. How about same question with Officer Nordby;</p> <p>20 do you consider him a friend?</p> <p>21 A. Also a co-worker.</p> <p>22 Q. Do you have occasion to socialize with either</p> <p>23 of them outside of work?</p> <p>24 A. Maybe on rare occasions. Usually work events.</p> <p>25 Q. Work events together, like as a - you have</p>	<p style="text-align: right;">Page 133</p> <p>1 A. Some of the other officers on the scene. It</p> <p>2 could have been any of them.</p> <p>3 Q. The fact that I'm playing your audio, does</p> <p>4 that indicate that you were in close proximity?</p> <p>5 A. No.</p> <p>6 Q. You could have been far away and we could have</p> <p>7 captured that conversation?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. Turner 21:35:01.</p> <p>10 (Video audio playing.)</p> <p>11 BY MR. RISSMAN:</p> <p>12 Q. Did you hear one person say, "Yeah, well I</p> <p>13 thought maybe disorderly" and another person say, "Yeah,</p> <p>14 that's what I figured, too"?</p> <p>15 A. Yes.</p> <p>16 Q. Were you one of those people? Did you</p> <p>17 recognize the sound of your own voice?</p> <p>18 A. I heard my voice but I'm not sure what I said.</p> <p>19 Q. Okay. Should I play it again?</p> <p>20 A. Sure.</p> <p>21 (Video audio playing.)</p> <p>22 BY MR. RISSMAN:</p> <p>23 Q. Feel free to correct me if I'm wrong. It</p> <p>24 seems like you're the one who says, "Yeah, that's what I</p> <p>25 figured too"?</p>

CODY TURNER - 03/29/2017

Pages 134..137

<p style="text-align: right;">Page 134</p> <p>1 A. No.</p> <p>2 Q. You're the one who says, "Well, I thought</p> <p>3 maybe disorderly?"</p> <p>4 A. Yes.</p> <p>5 Q. And that means disorderly conduct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. We're just going to play a number of</p> <p>8 statements here, the audio, I'm just going to ask you if</p> <p>9 you recognize your voice; okay?</p> <p>10 (Video audio playing.)</p> <p>11 BY MR. RISSMAN:</p> <p>12 Q. Did you hear someone say, "He's trying to be</p> <p>13 dramatic"?</p> <p>14 A. I heard, "He's doing it on purpose" and, "Oh,</p> <p>15 I'm sure."</p> <p>16 Q. Did you hear -- did you hear yourself saying,</p> <p>17 "I'm just -- did you hear yourself saying, "He's doing it</p> <p>18 on purpose"?</p> <p>19 A. Yes.</p> <p>20 (Video audio playing.)</p> <p>21 BY MR. RISSMAN:</p> <p>22 Q. Did you hear someone say, "He's trying to be</p> <p>23 dramatic" there?</p> <p>24 A. Huh-huh. No.</p> <p>25 Q. Okay. Did you hear someone say, "I don't</p>	<p style="text-align: right;">Page 136</p> <p>1 drama queen right now?"</p> <p>2 A. I did.</p> <p>3 Q. Was that you?</p> <p>4 A. I believe so.</p> <p>5 Q. And then you -- is that also you that says,</p> <p>6 "We got the crusties for paramedics"?</p> <p>7 A. Yes.</p> <p>8 Q. Is that a joke?</p> <p>9 A. They were crabby.</p> <p>10 Q. They were crabby?</p> <p>11 A. Yes. Continue to play at 21:28:13.</p> <p>12 (Video audio playing.)</p> <p>13 BY MR. RISSMAN:</p> <p>14 Q. Do you recognize the sound of your voice</p> <p>15 saying, "He bonked his head on the concrete pretty good --</p> <p>16 when he fell backwards"?</p> <p>17 A. Yes.</p> <p>18 Q. That you?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Turner 21:31:18.</p> <p>21 (Video audio playing.)</p> <p>22 BY MR. RISSMAN:</p> <p>23 Q. Is that you or Officer Nordby?</p> <p>24 A. I'm not sure.</p> <p>25 Q. Was it you?</p>
<p style="text-align: right;">Page 135</p> <p>1 believe him?"</p> <p>2 A. No, I heard something like "sleep" or</p> <p>3 something like that. I couldn't make out what it was. It</p> <p>4 sounded like two conversations overlapping each other.</p> <p>5 (Video audio playing.)</p> <p>6 BY MR. RISSMAN:</p> <p>7 Q. This was playing at 21:25:48 through 21:25:53.</p> <p>8 Did you recognize the sound of your own voice</p> <p>9 saying, "He's playing games, so I'm just going to check</p> <p>10 him out just to CYA"?</p> <p>11 A. Yes.</p> <p>12 Q. "CYA" means cover your ass?</p> <p>13 A. That is correct.</p> <p>14 Q. Okay. Turner 21:28:12.</p> <p>15 (Video audio playing.)</p> <p>16 BY MR. RISSMAN:</p> <p>17 Q. Turner 21:28:06.</p> <p>18 (Video audio playing.)</p> <p>19 BY MR. RISSMAN:</p> <p>20 Q. Did you hear someone, kind of under their</p> <p>21 voice, saying, "He's being a drama queen right now"?</p> <p>22 A. No.</p> <p>23 (Video audio playing.)</p> <p>24 BY MR. RISSMAN:</p> <p>25 Q. Did you hear someone saying, "He's being a</p>	<p style="text-align: right;">Page 137</p> <p>1 A. I'm not sure. I'm not sure what that beep</p> <p>2 sound is, either.</p> <p>3 Q. Starting 21:31:16.</p> <p>4 (Video audio playing.)</p> <p>5 BY MR. RISSMAN:</p> <p>6 Q. Was that you saying, "No Ingles, either"?</p> <p>7 A. I couldn't tell what I was saying.</p> <p>8 Q. 21:31:20. Maybe I'll try turning it down a</p> <p>9 little bit, it will make it easier. Turner 21:31:20.</p> <p>10 (Video audio playing.)</p> <p>11 BY MR. RISSMAN:</p> <p>12 Q. Did you hear someone say, "No Ingles, either"?</p> <p>13 A. Yes.</p> <p>14 Q. Was that you?</p> <p>15 A. It sounded like it, yes.</p> <p>16 Q. And "Ingles" would be Spanish for "English"?</p> <p>17 A. Correct.</p> <p>18 Q. Do you speak Spanish?</p> <p>19 A. Small amounts.</p> <p>20 Q. Were you referring to Mr. Khottavongsa there?</p> <p>21 A. Yes.</p> <p>22 Q. Turner 21:32:12.</p> <p>23 (Video audio playing.)</p> <p>24 BY MR. RISSMAN:</p> <p>25 Q. Do you hear at the end of that say, "He's</p>

CODY TURNER - 03/29/2017

Pages 138..141

<p style="text-align: right;">Page 138</p> <p>1 being dramatic?"</p> <p>2 A. It was me. I'm saying, "He's playing, he's</p> <p>3 being dramatic."</p> <p>4 Q. "He's playing, he's being dramatic."</p> <p>5 And you were referring to Mr. Khottavongsa?</p> <p>6 A. Yes, I would imagine so.</p> <p>7 Q. Turner 21:32:24.</p> <p>8 (Video audio playing.)</p> <p>9 BY MR. RISSMAN:</p> <p>10 Q. Did you hear someone say, "Yeah, he's being</p> <p>11 dramatic?"</p> <p>12 A. Yes.</p> <p>13 Q. Was that you?</p> <p>14 A. Yes.</p> <p>15 Q. And were you referring to Mr. Khottavongsa?</p> <p>16 A. Yes.</p> <p>17 MR. HIVELEY: Are you identifying times?</p> <p>18 I didn't catch the last one.</p> <p>19 MR. RISSMAN: Did I not say the last</p> <p>20 one?</p> <p>21 MR. HIVELEY: You maybe did. I just</p> <p>22 didn't catch it.</p> <p>23 MR. RISSMAN: "Yeah, he was being</p> <p>24 dramatic" was at 21:32:28. Thanks.</p> <p>25 BY MR. RISSMAN:</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. And you were referring to Mr. Khottavongsa?</p> <p>2 A. Yes.</p> <p>3 Q. I did attempt to take out the ones I already</p> <p>4 went through. All right. This is Turner 21:38:15.</p> <p>5 (Video audio playing.)</p> <p>6 BY MR. RISSMAN:</p> <p>7 Q. In that one, I don't hear a complete sentence</p> <p>8 but I hear something about "being lucky" and something</p> <p>9 about "CPR" and something about "bullet holes."</p> <p>10 Did you hear that?</p> <p>11 A. I heard "CPR."</p> <p>12 Q. Did you hear "bullet holes"?</p> <p>13 A. No.</p> <p>14 Q. Do you recall having a discussion with any</p> <p>15 other officers about thinking Mr. Khottavongsa was lucky</p> <p>16 that he didn't get shot?</p> <p>17 A. Yes.</p> <p>18 Q. And was that at the moment when you removed</p> <p>19 the crowbar from him? Is that what you're referring to?</p> <p>20 A. No, when Officer Salvosa arrived on scene.</p> <p>21 Q. Okay. Let's try -- let's try that bullet hole</p> <p>22 one again, 21:38:15.</p> <p>23 (Video audio playing.)</p> <p>24 BY MR. RISSMAN:</p> <p>25 Q. Did you hear -- what did you hear there?</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. This one is Turner 21:34:09.</p> <p>2 (Video audio playing.)</p> <p>3 BY MR. RISSMAN:</p> <p>4 Q. Do you hear someone saying, "We would have</p> <p>5 still been sitting there tasing him. He's in pout mode</p> <p>6 now where he's pretending like he's dying so?"</p> <p>7 A. I heard, "Pout mode" and, "Pretending that</p> <p>8 he's dying."</p> <p>9 Q. The first part's a little hard to hear. Let's</p> <p>10 try it again. Turner 21:34:07.</p> <p>11 (Video audio playing.)</p> <p>12 BY MR. RISSMAN:</p> <p>13 Q. Did you hear -- I'll ask you first, did you</p> <p>14 hear, "We would have still been sitting there tasing him"?</p> <p>15 A. Yes.</p> <p>16 Q. Is that you?</p> <p>17 A. Yes, I believe so.</p> <p>18 Q. And then did you hear, "He's in pout mode now</p> <p>19 where he's pretending like he's dying, so."</p> <p>20 Did you hear that?</p> <p>21 A. Yes.</p> <p>22 Q. That was you?</p> <p>23 A. As I said before, yes.</p> <p>24 Q. Did I go over that one already?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 141</p> <p>1 A. "CPR" again.</p> <p>2 Q. That's it?</p> <p>3 A. Yeah.</p> <p>4 Q. 21:39:40.</p> <p>5 (Video audio playing.)</p> <p>6 BY MR. RISSMAN:</p> <p>7 Q. Did you hear someone saying, "No Ingles"</p> <p>8 again?</p> <p>9 A. Yes.</p> <p>10 Q. And that would be you?</p> <p>11 A. Yes.</p> <p>12 Q. Would you be referring to Mr. Khottavongsa?</p> <p>13 A. Yes.</p> <p>14 Q. And from where we left off. Playing 21:39:44.</p> <p>15 (Video audio playing.)</p> <p>16 BY MR. RISSMAN:</p> <p>17 Q. Did you hear another, "No Ingles"?</p> <p>18 A. Yes.</p> <p>19 Q. That would be you?</p> <p>20 A. Yes.</p> <p>21 Q. Same question: You're referring to</p> <p>22 Mr. Khottavongsa?</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember assessing -- well, do you</p> <p>25 remember interacting with any of the other individuals who</p>

CODY TURNER - 03/29/2017

Pages 142..145

<p style="text-align: right;">Page 142</p> <p>1 were involved in the incident?</p> <p>2 A. Vaguely, but I didn't take any statements or</p> <p>3 anything official from anybody else that I recall.</p> <p>4 Q. Do you remember the African-American male who</p> <p>5 was at the scene when you arrived?</p> <p>6 A. There was several.</p> <p>7 Q. Well, the one that --</p> <p>8 A. Including myself.</p> <p>9 Q. Fair. I meant --</p> <p>10 MR. HIVELEY: Do you remember yourself?</p> <p>11 BY MR. RISSMAN:</p> <p>12 Q. You should go to law school. The one that was</p> <p>13 involved in the incidents --</p> <p>14 A. No.</p> <p>15 Q. -- who was taken into custody?</p> <p>16 A. (Witness shaking head.)</p> <p>17 Q. Okay. Do you recall his injuries, in any way?</p> <p>18 A. I remember it being something with his eye, I</p> <p>19 believe.</p> <p>20 Q. Okay. Turner 9:40:07.</p> <p>21 (Video audio playing.)</p> <p>22 BY MR. RISSMAN:</p> <p>23 Q. Did you hear the sound of your own voice</p> <p>24 there?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 144</p> <p>1 A. Yes.</p> <p>2 Q. You're referring to Mr. Khottavongsa?</p> <p>3 A. I would imagine so. By that time, I had</p> <p>4 discovered that he had urinated himself.</p> <p>5 Q. That would indicate to you that "he's a</p> <p>6 fucking mess"?</p> <p>7 A. Yes.</p> <p>8 Q. Is it against Brooklyn Center policy to use a</p> <p>9 taser to punish someone?</p> <p>10 A. Yes.</p> <p>11 Q. Is it against Brooklyn Center policy to use</p> <p>12 any kind of force to punish someone?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Turner 9:41:31.</p> <p>15 (Video audio playing.)</p> <p>16 BY MR. RISSMAN:</p> <p>17 Q. Do you hear the sound of your own voice there?</p> <p>18 A. I did.</p> <p>19 Q. And did you hear a reference to "going to the</p> <p>20 hospital" and then -- then you say, "You see him get hit</p> <p>21 with a taser, he's got a pretty good punishment already"?</p> <p>22 Is that correct?</p> <p>23 A. Correct.</p> <p>24 Q. And the person you're referring to getting a</p> <p>25 pretty good punishment was Mr. Khottavongsa?</p>
<p style="text-align: right;">Page 143</p> <p>1 Q. And I believe you say, "I think this guy is</p> <p>2 fine. Yeah it should be this other dude, not this one.</p> <p>3 This guy is a fucking mess. The other dude, he's not</p> <p>4 bleeding anymore. It's from a punch in the face. He's</p> <p>5 only concerned about his girl not going to jail."</p> <p>6 Does that sound accurate?</p> <p>7 A. I don't remember the mess part, but yeah,</p> <p>8 everything else sounds right.</p> <p>9 Q. So you thought that guy had got punched in the</p> <p>10 face?</p> <p>11 A. I think so.</p> <p>12 Q. And he seemed okay at that point?</p> <p>13 A. I didn't actually interact with him. That was</p> <p>14 the information that was relayed to me.</p> <p>15 Q. Okay. Who relayed that information to you?</p> <p>16 A. I want to say Officer Whittenburg, I believe,</p> <p>17 is the one that was with him at the time.</p> <p>18 Q. Playing the same clip, 9:40:09.</p> <p>19 (Video audio playing.)</p> <p>20 BY MR. RISSMAN:</p> <p>21 Q. After this, "Not this one." I heard, "This</p> <p>22 guy is a fucking mess."</p> <p>23 Did you hear that?</p> <p>24 A. I did.</p> <p>25 Q. That was you?</p>	<p style="text-align: right;">Page 145</p> <p>1 A. Correct.</p> <p>2 Q. Last one. Turner 21:42:54.</p> <p>3 (Video audio playing.)</p> <p>4 BY MR. RISSMAN:</p> <p>5 Q. You know what? That one's wrong. Never mind.</p> <p>6 Strike that part.</p> <p>7 Did you receive any discipline as a result of</p> <p>8 this incident?</p> <p>9 A. I did not.</p> <p>10 Q. Did you receive any type of reprimand?</p> <p>11 A. No.</p> <p>12 Q. Did you receive a reprimand for your use of</p> <p>13 language?</p> <p>14 A. No.</p> <p>15 Q. Were you -- did any of your supervisors have</p> <p>16 an informal discussion with you about your use of</p> <p>17 language?</p> <p>18 A. No.</p> <p>19 Q. We took the deposition of Chief of Police</p> <p>20 Gannon.</p> <p>21 Did you know that?</p> <p>22 A. Yes.</p> <p>23 Q. He testified that he instructed -- I don't</p> <p>24 remember who, but he instructed a commander to -- I don't</p> <p>25 know if it was a reprimand or have a discussion with you</p>

CODY TURNER - 03/29/2017

Pages 146..149

<p style="text-align: right;">Page 146</p> <p>1 about your use of language.</p> <p>2 Did you know that?</p> <p>3 A. For me specifically?</p> <p>4 Q. Yes.</p> <p>5 A. No.</p> <p>6 Q. So that never occurred?</p> <p>7 A. I don't remember it.</p> <p>8 Q. That's probably something you would remember;</p> <p>9 right?</p> <p>10 A. I would imagine so.</p> <p>11 Q. Either in your police report or the statement</p> <p>12 you gave to Hennepin County, did you mention anything</p> <p>13 about Mr. Khottavongsa's English abilities?</p> <p>14 A. I'm sorry?</p> <p>15 Q. Did you mention -- did you mention, at any</p> <p>16 point in your report or in your statement to Hennepin</p> <p>17 County -- and feel free to look at them if you want --</p> <p>18 regarding your belief or suspicion that Mr. Khottavongsa</p> <p>19 did not speak English?</p> <p>20 A. Yes.</p> <p>21 Q. And they are in there?</p> <p>22 A. Yes.</p> <p>23 Q. Was it your statement or in your -- in your</p> <p>24 police report?</p> <p>25 A. I believe statement, as we had discussed</p>	<p style="text-align: right;">Page 148</p> <p>1 sentences down. "Not understanding."</p> <p>2 Q. "Not understanding." You just weren't</p> <p>3 specific to the reason he was not understanding?</p> <p>4 A. And then again in my report, about</p> <p>5 mid-sentence, "Determined that he did not understand what</p> <p>6 I was saying at the time."</p> <p>7 Q. Okay.</p> <p>8 MR. RISSMAN: I don't have any further</p> <p>9 questions. Subject to any redirect.</p> <p>10 MR. HIVELEY: I have no questions.</p> <p>11 We'll read and sign.</p> <p>12 MR. RISSMAN: Okay.</p> <p>13 (The deposition of Cody Turner</p> <p>14 concluded at approximately 1:56 p.m.)</p> <p>15 * * * * *</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 147</p> <p>1 earlier.</p> <p>2 Q. Can you point me to that part of your</p> <p>3 statement?</p> <p>4 MR. HIVELEY: I guess I'll object as</p> <p>5 asked and answered.</p> <p>6 THE WITNESS: We specifically talked</p> <p>7 about it.</p> <p>8 MR. HIVELEY: Do you honestly not</p> <p>9 remember him talking about it?</p> <p>10 MR. RISSMAN: I recall talking about it.</p> <p>11 I just don't recall --</p> <p>12 MR. HIVELEY: You asked him questions</p> <p>13 from his statement about that. That's why we're -- are</p> <p>14 you testing him or are you trying to remember?</p> <p>15 MR. RISSMAN: No, I just don't think we</p> <p>16 went over specifically that -- well, maybe we did. I</p> <p>17 don't recall, but -- and so I apologize if this was asked</p> <p>18 already, but I don't see a references to</p> <p>19 Mr. Khottavongsa's lack of English or anything along those</p> <p>20 lines.</p> <p>21 BY MR. RISSMAN:</p> <p>22 Q. So my question is, did you say that in your</p> <p>23 statement, that you, at some point, had a belief that</p> <p>24 Mr. Khottavongsa did not speak English?</p> <p>25 A. Yes, page 5 of 8, second question, about four</p>	<p style="text-align: right;">Page 149</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, Barbara J. Carey, a Registered Professional</p> <p>4 Reporter and Notary Public for Anoka County, Minnesota</p> <p>5 hereby certify that I reported the Deposition of Cody</p> <p>6 Turner, on the 29th day of March, 2017, in Minneapolis,</p> <p>7 Minnesota, and that the witness was by me first duly sworn</p> <p>8 to tell the whole truth;</p> <p>9 That the testimony was transcribed under my</p> <p>10 direction and is a true record of the testimony of the</p> <p>11 witness;</p> <p>12 That I am not a relative or employee or</p> <p>13 attorney or counsel of any of the parties or a relative or</p> <p>14 employee of such attorney or counsel;</p> <p>15 That I am not financially interested in the</p> <p>16 action and have no contract with the parties, attorneys,</p> <p>17 or persons with an interest in the action that affects or</p> <p>18 has a substantial tendency to affect my impartiality;</p> <p>19 That the right to read and sign the deposition</p> <p>20 by the witness was not waived;</p> <p>21</p> <p>22 IN WITNESS WHEREOF, I have hereunto set my</p> <p>23 hand this 10th day of April, 2017.</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p> <p>101</p> <p>102</p> <p>103</p> <p>104</p> <p>105</p> <p>106</p> <p>107</p> <p>108</p> <p>109</p> <p>110</p> <p>111</p> <p>112</p> 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<p>932</p> <p>933</p> <p>934</p> <p>935</p> <p>936</p> <p>937</p> <p>938</p> <p>939</p> <p>940</p> <p>941</p> <p>942</p> <p>943</p> <p>944</p> <p>945</p> <p>946</p> <p>947</p> <p>948</p> <p>949</p> <p>950</p> <p>951</p> <p>952</p> <p>953</p> <p>954</p> <p>955</p> <p>956</p> <p>957</p> <p>958</p> <p>959</p> <p>960</p> <p>961</p> <p>962</p> <p>963</p> <p>964</p> <p>965</p> <p>966</p> <p>967</p> <p>968</p> <p>969</p> <p>970</p> <p>971</p> <p>972</p> <p>973</p> <p>974</p> <p>975</p> <p>976</p> <p>977</p> <p>978</p> <p>979</p> <p>980</p> <p>981</p> <p>982</p> <p>983</p> <p>984</p> <p>985</p> <p>986</p> <p>987</p> <p>988</p> <p>989</p> <p>990</p> <p>991</p> <p>992</p> <p>993</p> <p>994</p> <p>995</p> <p>996</p> <p>997</p> <p>998</p> <p>999</p> <p>1000</p>

CODY TURNER - 03/29/2017

Pages 150..151

<p>1 -----</p> <p>2 ERRATA</p> <p>3 -----</p> <p>4 PAGE LINE CHANGE</p> <p>5 _____</p> <p>6 REASON: _____</p> <p>7 _____</p> <p>8 REASON: _____</p> <p>9 _____</p> <p>10 REASON: _____</p> <p>11 _____</p> <p>12 REASON: _____</p> <p>13 _____</p> <p>14 REASON: _____</p> <p>15 _____</p> <p>16 REASON: _____</p> <p>17 _____</p> <p>18 REASON: _____</p> <p>19 _____</p> <p>20 REASON: _____</p> <p>21 _____</p> <p>22 REASON: _____</p> <p>23 _____</p> <p>24</p> <p>25</p>	<p>Page 150</p>
<p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3 I, _____, do</p> <p>4 hereby certify that I have read the foregoing pages, and</p> <p>5 that the same is a correct transcription of the answers</p> <p>6 given by me to the questions therein propounded, except</p> <p>7 for the corrections or changes in form or substance, if</p> <p>8 any, noted in the attached Errata Sheet.</p> <p>9</p> <p>10 _____</p> <p>11 CODY TURNER DATE</p> <p>12</p> <p>13</p> <p>14</p> <p>15 Subscribed and sworn to before me this</p> <p>16 _____ day of _____, 20____.</p> <p>17 My commission expires: _____</p> <p>18</p> <p>19 _____</p> <p>20</p> <p>21 Notary Public</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 151</p>

CODY TURNER - 03/29/2017

i1

<hr/> <p style="text-align: center;">0</p> <hr/> <p>0 52:3</p> <p>0043 27:13</p> <p>0044 36:7</p> <p>0046 34:25</p> <p>0047 48:21 55:7</p> <p>0048 82:12 115:1</p> <p>0049 103:24 124:8 127:13</p> <p>0051 27:14,23</p> <p>03:12 22:15</p>	<p>12:34 103:3</p> <p>15 8:25 10:22 13:20</p> <p>15-001018 51:25</p> <p>150 53:18,23</p> <p>15th 9:8</p> <p>16 14:10 21:4 39:3</p> <p>17 22:15</p> <p>170 9:13,14</p> <p>190 9:6</p> <p>1:56 148:14</p>	<p>21:17 89:23</p> <p>21:17:00/01 74:7</p> <p>21:17:05 84:20</p> <p>21:17:06 90:3</p> <p>21:17:37 90:14 92:6</p> <p>21:17:57 94:13 95:20</p> <p>21:18:14 94:16 95:23</p> <p>21:18:48 116:24</p> <p>21:20:10 117:2 120:22</p> <p>21:21:47 120:25</p> <p>21:25:48 135:7</p> <p>21:25:53 135:7</p> <p>21:28:06 135:17</p> <p>21:28:12 135:14</p> <p>21:28:13 136:11</p> <p>21:28:20 112:12</p> <p>21:28:31 112:15</p> <p>21:31:16 137:3</p> <p>21:31:18 136:20</p> <p>21:31:20 137:8,9</p> <p>21:32:12 137:22</p> <p>21:32:24 138:7</p>	<p>21:32:28 138:24</p> <p>21:34:07 139:10</p> <p>21:34:09 139:1</p> <p>21:35:01 133:9</p> <p>21:35:12 80:25</p> <p>21:35:15 80:25</p> <p>21:35:25 79:13</p> <p>21:35:36 132:12</p> <p>21:38:15 140:4,22</p> <p>21:39:40 141:4</p> <p>21:39:44 141:14</p> <p>21:42:54 145:2</p>
<hr/> <p style="text-align: center;">1</p> <hr/> <p>1 21:22,25 33:1 42:23 54:14</p> <p>1/16/15 51:23</p> <p>10 31:19,20,22 40:14 46:11</p> <p>100 84:2</p> <p>10:19 56:2</p> <p>10:29 56:2</p> <p>112 53:6 56:9,10</p> <p>112.5 53:7</p> <p>112.5-foot 56:13</p> <p>11:45 103:3</p>	<hr/> <p style="text-align: center;">2</p> <hr/> <p>2 27:4,7 34:24 55:6,17 82:11 103:24</p> <p>20 46:11</p> <p>200 10:4</p> <p>2015 8:25 14:10 21:4,9 22:15 36:6 39:3 55:15</p> <p>2016 9:8 10:22 13:20</p> <p>21:16:15 59:1</p> <p>21:16:25 58:25</p> <p>21:16:31 84:16</p> <p>21:16:35 73:14</p> <p>21:16:52 73:17</p>		<hr/> <p style="text-align: center;">3</p> <hr/> <p>3 34:24 38:3,6</p> <p>31 8:24,25</p> <p>3:12 22:16</p> <p>3rd 36:5 55:15</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 48:20 51:14,17 52:9 55:7</p>

CODY TURNER - 03/29/2017

i2

5	9:21:16:30 59:18	actively 62:25 63:5,7,9,12,15	amend 25:22
5 52:5,8 56:4 82:13 104:1 147:25	9:21:35:01 80:10	add 28:22,24	amendment 25:23,24
50 52:3,11,22	9:34:57 79:10	additional 63:25	amount 66:18 81:22
5th 130:12	9:35:01 79:20	address 51:24	amounts 137:19
6	9:40:07 142:20	administered 5:5	angle 41:3 42:11
6 103:25 124:8	9:40:09 143:18	adopted 10:14	announced 68:14
6-3 9:4	9:41:31 144:14	advise 43:18 95:8	announcing 73:4,9
6005 21:25	A	advised 43:23 44:8 76:6 104:19	answer 6:18 7:1,3 28:1,16,22 35:6 49:21,23 50:6,8 82:17 104:5,7,13 111:19 115:5 124:11,13,18 127:16
6007 21:25	a.m. 29:13 56:2 103:3	African-american 142:4	answered 49:18 93:23 147:5
6:00 29:13	abilities 146:13	Age 15:14	answering 19:25
7	ability 15:15 88:5 93:4	aggressor 61:11	answers 6:20
75 52:11,23	able 57:5 85:6 106:5,7 110:10 114:7	aggressors 61:7	anybody 6:4 23:23 25:11 31:8 32:22 33:19 41:11 47:2 60:16 64:13 89:2 99:16 116:4 122:25 142:3
75-foot 56:15	Absolutely 130:20	ago 7:15 10:20	anymore 143:4
8	accomplish 108:5	agree 24:23 25:3 28:19 33:23 36:25 61:20	apologize 147:17
8 27:22 34:24 55:7 82:13 103:25 104:1 114:25 124:8 147:25	accuracy 52:19	air 34:15,16 35:11 40:24 47:6 65:10,11,18,23 66:3,13,17 84:24 85:2	appear 22:8 39:10 41:15 59:5 125:25
9	accurate 22:8 25:20 26:14 28:10 33:21 36:15,17 49:11 50:13,22,24 72:4 76:11, 13,15 82:24 83:2 143:6	AI 72:2 77:18	appeared 30:24 33:14 35:8 39:16 104:13,20,22
9:16:30 59:22	accurately 24:24 59:5	alcohol 106:14,22	appears 38:8 105:18
9:16:31 59:9,23	action 82:16 100:2	Alexandria 12:9	applications 17:20,24
9:16:36 59:4	actions 24:14 25:1	allow 114:22	
	activated 49:2	altered 19:22	
		ambulance 106:1 119:20	

CODY TURNER - 03/29/2017

i3

approach 11:10,16,21 30:14 52:12 59:6 68:20 87:19 99:12, 16	35:6	5:18 7:7 130:24,25	bat 30:2 44:7,9
approached 30:20 33:6 44:11 68:18 69:10 70:14,15 89:16 107:3	arts 10:8	audio 76:20,21 79:10,11,21 80:11,23 112:13,15 132:12,13 133:3,10,21 134:8,10,20 135:5,15,18, 23 136:12,21 137:4,10, 23 138:8 139:2,11 140:5, 23 141:5,15 142:21 143:19 144:15 145:3	bat-type 34:15,19
approaches 11:22	Asian 33:13 54:20	available 11:22 101:7 102:15	Bates 22:2
approaching 12:3 51:1 68:4 89:21	aside 26:20 29:8 39:12 76:17	avoided 37:11	baton 11:24
appropriate 129:16 132:17	asked 87:11 122:7 127:3,19 147:5,12,17	aware 98:16 130:21	beep 137:1
approximate 39:6 52:1,20	asking 18:13 65:21 66:7,15 78:12 83:14 94:24 96:13, 18 101:22 115:16	awkward 58:23	began 49:9 54:18
approximately 7:15 10:20 12:16 27:3 36:9, 38:11 48:4 52:21 59:24 84:5 148:14	ass 135:12	awning 39:21	begging 106:10
April 21:9	assault 130:9,12	B	behavior 97:9 113:17,22
area 38:16 61:9 62:20 63:19 89:17 107:22	assessing 141:24		belief 92:4 93:3 95:15 97:16 101:13,18,23 102:11 146:18 147:23
arguing 33:12 34:11	assimilated 24:25	back 11:21 18:25 37:24 45:1 50:10 52:24,25 56:22 57:1,2,9,14,16,24 78:14 98:17,18,19,21,24 103:5 107:2,22 108:6,8 109:1 111:12 115:2,6 119:21 120:1 124:13 127:8	believe 7:13 8:22 16:17,24 19:16 21:10,13,19 23:10 24:5,7 26:17 27:18 29:2,4 35:21,24 36:2 38:21 39:5 41:17,20 42:14,17 43:5,8 47:22 48:5 50:19 51:21 53:25 55:14 58:19 61:10, 13 63:14 64:9 68:17 69:14 70:4,14 71:3,5,6,9 72:16,19 75:2,9 77:2 79:18 81:5,16,20 82:3,17 84:12 85:15,16 86:14 91:25 92:6 95:2 96:11 97:7,10,14,20 98:1 100:4,7,13 101:3,6 102:22 103:12,21 104:17 105:4,23 107:2,12 113:1, 13 119:2,5,15,17 120:12 121:3,19 122:5,7 129:20 135:1 136:4 139:17 142:19 143:1,16 146:25
arm 41:3,8 48:7 65:3,5 69:23 70:7,8 104:9	assist 87:18 107:8,10	backwards 50:11 61:17 136:16	believed 68:8 71:12 75:6 81:19 83:4 91:23 94:7 103:9
armed 30:1	assistance 105:14,20 106:16,23	ballpark 10:3	bench 9:19,21
arms 31:2,4,13 32:19,22 33:20 65:2 67:9 88:20 89:4,6, 12 109:13	assisting 90:21 100:3 102:6,8	bar 37:7	bent 104:9
arrest 114:17	assume 7:3 26:11 28:10 49:13 82:6 88:5 110:16,19 129:25	based 74:25 103:21	
arrested 119:21,22	assumed 82:19 83:8 116:2,5 125:19	basic 9:19 10:15 11:3	
arresting 92:2	assumption 74:24	basically 10:15 11:5	
arrived 33:3,5 48:23,25 64:3 111:25 140:20 142:5	attempt 43:2 67:11,15 68:1 88:15 140:3	basis 81:23 97:16	
arriving	attend 20:24 21:8,11		
	attention 62:15 105:23 123:6,9,22		
	attorney		

CODY TURNER - 03/29/2017

14

best 6:15 28:7 116:17	C	carry 104:9 109:10,13 114:16	Christmas 132:6
better 6:21 114:6,11 124:16	C-o-d-y 5:16	cars 106:11	circumstances 106:19 115:3
bit 6:12 55:20 117:7 137:9	Cadet 64:17	case 5:19 8:11 21:20 26:11, 51:24 129:19	citizens 106:10
bleeding 143:4	cage 120:3	cases 25:11	city 130:25
body 15:14 18:5,7 37:16,19,21 48:5 50:9 65:4 66:10,25 67:7	call 23:11 29:19 39:21 126:12	catch 138:18,22	civilians 100:15
bonked 61:20 136:15	called 5:10 106:1	catchall 28:20	clarify 82:8 94:23
bottom 35:2 51:22 115:1	callers 30:7	category 10:15	clear 93:24
break 6:24 7:1 55:21,22 102:25	calling 30:4	cement 40:1,4,6 41:23 45:24 50:12 114:23 115:11	clearly 68:14
briefing 23:6	cam 58:19,25	Center 12:12 14:21 81:23 106:13 131:2 144:8,11	climate 15:14
brightness 89:24	can't 39:7 48:9 67:8 77:9 79:4 85:3 102:14 111:18 120:15	certain 33:16 42:25 43:8	clip 58:22 59:6 74:17 78:2,16 79:20 84:15 85:1 91:3,5, 8 112:17 117:3 118:21 121:4 143:18
Bringing 111:7	capacity 20:22	chance 6:13 27:19 87:20	clockwise 56:24
broad 130:5	capture 38:11	change 11:15 97:8	close 31:1 37:18 42:8 133:4
Brooklyn 12:12 14:21 21:25 22:4 27:13,14,23 34:25 36:7 48:21 55:7 81:23 82:12 103:24 106:13 115:1 124:7 127:13 131:2 144:8,11	captured 133:7	chaotic 30:5	closer 46:4 53:23 56:13
brought 115:18	car 33:6,9 44:11 49:8,13,17, 23 50:15 51:3,6,12 56:5 60:14 65:17 109:10 110:9,24 111:7 114:16 115:2,6,18,20,23 116:6, 11,14,21,22 117:12,18, 19 118:10 119:22 120:2, 5 121:13,16,20,25 122:8, 17,20 123:23 124:14,16 125:4,12,23 129:2,10	charge 129:23 130:5	clue 72:10 81:1,12
building 23:20	cardboard 17:11	charged 130:22	co-worker 131:21
bullet 140:9,12,21	care 106:6,8 122:3,6	charges 129:16 131:2 132:16	co-workers 131:13
bus 38:15	carried 110:9	check 113:5 124:16 135:9	Cody 5:9,16 148:13
businesses 39:18		checked 123:10	coin 30:24 31:11 32:1,7,11, 16,21 33:12 35:7 38:16, 24 39:19 46:1,4 49:1 52:14
busy 100:3 102:6,8		chest 65:7 67:1,3,6	Coleman 13:23,25 14:14,16 23:10 64:17 81:6 132:23
		Chief 145:19	
		choose 12:5	

CODY TURNER - 03/29/2017

15

college 12:7 13:8	comply 60:21 95:9 109:13 113:10	69:2 114:21 130:19 131:7	111:3 113:25 116:7,12 117:20,25 118:17 121:2, 8,12 122:2,23 126:7 127:23 128:9 129:3 133:8,23 135:13 137:17 144:22,23 145:1
combat 10:5,6	conceal 25:4	constant 106:9	correction 26:7
combination 85:23 98:11	concern 105:8 122:22 124:15	contact 41:15 54:20	couldn't 40:16 135:3 137:7
come 23:18 30:15 58:23 73:2,7 103:13,17 121:7	concerned 93:8,11,13 105:12 106:22 123:18,21 143:5	continue 104:4 136:11	counsel 5:24 6:17
comes 46:1 117:4	concluded 148:14	continued 62:8 99:25 120:1 124:18 127:15	county 26:23 51:21,24 104:25 124:22 130:24 146:12,17
coming 11:8	conclusion 73:2,7 77:22	continuing 94:10	couple 6:8 96:5
command 20:19 60:18,21 62:5 72:22 73:20 74:11	concrete 61:21 112:22 136:15	continuous 66:4,17,20	course 7:11 77:23 103:20
commander 14:15,17 145:24	condition 123:16,18,22 125:15 126:3	conversation 6:11 129:20 132:16 133:7	court 5:5 6:9,21
commanding 76:2	conduct 129:23 130:4,19,22 131:3 134:5	conversations 135:4	cover 76:6 135:12
commands 49:24 64:9,18,20 68:22 70:16,18,19 71:8,13,24 72:16,17,20 73:3,8 74:17,21,24 75:14 77:15 82:20 94:11 110:23 113:11,14	confined 115:4	copy 7:25 8:3 22:9	covered 91:24
commonly 18:5	confirm 96:13	core 9:19	CPR 140:9,11 141:1
communicated 101:13,18,23 102:11	Conflict 21:9	corner 52:12 53:17	crabby 136:9,10
compare 80:8	confused 95:19	correct 15:22 16:1,4 17:19 19:6, 8 22:12,13,17,18 24:16, 22 25:2,7 27:25 28:7,23, 24,25 30:11 32:3 33:25 34:3,6,15,22 35:15 36:20 37:6 38:13 44:19 45:4,5, 7 47:8 50:21 51:13 52:21 54:3,21,23,24 55:2,10,13 58:18 60:2 61:16,24,25 62:2,3,5,6,16 63:1,23 65:1 66:13 68:2,12 71:14,22 72:10,11,13,14 74:18 75:14,15,18 76:13 77:19,24,25 78:18,21,22 79:6 80:4,22 81:14,15,18 82:2 83:17,18 85:13 87:11 89:13 91:1 92:8 93:14,23 94:12 95:3 96:6 97:18,24,25 98:20,22 100:15 101:10,25 102:17,24 103:10,15 105:16,17 107:4 110:18	created 51:20
competency 21:8	connected 69:16		crime 130:1
complaints 106:9	conscious 85:14 107:19 125:23		Crimes 13:17
complete 100:21 140:7	consciousness 85:18		critical 23:9
completely 51:7 57:2,10	consider 12:2 15:9,21,24 16:2,11 18:24 19:1 107:16 131:12,20		croak 113:6
compliant 62:11 107:12,15 115:10	consideration 17:5		cross 53:19
complied 62:13	consist 10:13 17:9		crossed 44:16
	consistent		crow 37:7

CODY TURNER - 03/29/2017

i6

crowbar 37:13,15 45:16 47:1,5, 10,20 54:1,22 55:11 61:7 64:24 65:3,4,7,9,14,17, 18 66:4,5,8,9,21,24 67:10,12,15,16,21,22,25 68:3,11,18 69:23 70:1, 10,22 72:7,13 73:1,5,10, 74:18 75:10,13 76:3,7 78:5,21 79:1,3 81:14,18 82:16,18 84:9,24 85:2,8, 12,21 86:6,15 87:12,17 89:14,21 90:9 92:23 97:20 98:2 102:8,12 103:10,19 130:17 131:6 140:19	dangerous 34:10 36:25 dark 38:13 dash 58:19,25 date 21:2 day 6:15 22:3 days 27:1 daytime 38:8 dazed 20:4 Dead 37:10 death 18:17 51:22 decent 18:9 decided 120:4 decision 11:20 deem 108:14 Deering 13:18 64:16,18 90:21 99:25 100:3 102:6,8 128:21 Deering's 8:22 defensive 11:3 define 111:15 defy 62:4 degree 12:7 13:10 130:12 delay 120:14,16	department 12:21 13:7 23:19 131:3 132:6 depend 11:10,14 16:6 depending 11:19 19:3 depends 15:19 16:9,10 25:18 42:22 115:16 deploy 50:4 54:19 deploying 51:3 deployment 17:10 deposition 7:6,19 14:25 145:19 148:13 depositions 8:11 describe 11:4 42:1,9 44:13 59:5,6 60:8 99:6 111:16,18 112:6 described 36:13 37:25 43:6 117:4 130:18 131:7 describes 43:6 description 72:6,12 130:5 despite 76:1 details 28:24 determine 15:9 determined 70:23 76:3 111:13 148:5 determining 16:3 device 17:21 49:2 diagonal	45:8 diagram 52:8 didn't 21:6 28:20 58:17 61:6 67:4 69:18 72:9,16 86:19 93:20 94:5 95:9, 96:11 97:12 99:1 101:3 108:11 109:13 112:11 120:2,13 122:24 128:16 138:18,22 140:16 142:2 143:13 die 106:23 127:9 died 127:2 difference 123:15 different 16:5 57:4 63:20 66:5 78:7 80:2 94:25 96:16 105:15 127:10 128:16 differently 36:12,19,22 114:20 126:11,16 difficult 21:16 69:25 86:15,18,19 difficulty 86:24 117:19 diminished 20:22 direct 14:16 direction 30:14 54:10 57:4,24 directions 50:1 82:19 directly 32:20,23 45:3,20 49:1 73:21 discipline 145:7 disconnected 69:18 discovered 144:4
crowd 62:15 crusties 136:6 Ctr 21:25 22:4 27:13,14,23 34:25 36:7 48:21 55:7 82:12 103:24 115:1 124:7 127:13 Cultural 21:8 curb 114:18 current 13:25 currently 12:12 13:13 custody 92:2 103:20 142:15 CYA 135:10,12 cycled 50:11 cycling 91:11 <hr/> D <hr/> daily 9:15 danger 123:1			

CODY TURNER - 03/29/2017

17

discuss 129:16	55:24 56:25 57:8,9,12 58:23 60:8,17 62:25 63:13,24 65:25 66:6 70:21 72:17 73:22,25 77:4 79:2 80:19 81:8 82:3 84:12 87:1 89:3 91:7,14 92:12,24 94:1 95:2 97:10,14 98:8,21 99:14,18 102:22 103:23 104:21 106:19 107:25 108:1 109:17,22 110:21 113:19 116:23 118:1,20 120:8,16,20 125:5,6 126:13,22 127:18 128:20 134:25 143:7 145:23,24 146:7 147:11,15,17,18 148:8	driving 30:15 48:14,17 49:4,5 50:20 56:5	146:11
discussed 146:25		drop 54:17 68:23 70:19 73:1, 18 74:11, 82:18	elbow 41:4 65:6
discussion 140:14 145:16,25		drove 44:15	elements 130:1
disorderly 129:22 130:4,19,22 131:3 133:13 134:3,5		drugs 106:2,14,21	else's 8:6,8
disorientation 127:25 128:14,17,23 129:6		drunk 106:2	emotionally-disturbed 20:25
disoriented 83:20,21 84:6 127:22 128:3,6		dude 143:2,3	employee 25:5
dispatch 29:24 30:10 43:23 44:5,8	door 51:5, 116:12,21,22 117:16,21,22 121:16	duly 5:2,10	employees 25:3
distance 86:11	doubt 52:19 104:24 127:4	duty 16:14,20,23 29:9 102:18	empty-handed 11:15 12:1,4
distort 25:4	downward 42:11 43:9 45:17	dying 139:6,8,19	encounter 81:22,25 111:8,24
division 13:14,16,21	drag 109:15 110:24 111:11 112:20 114:15 121:10	E	encountered 106:13
doctor 114:9 119:7	dragged 111:1,2,6,17,19,23	earlier 50:19 81:16 84:22,23 87:4,11 100:13 102:3 103:8 109:23 121:1 122:7 127:21 147:1	enforcement 13:11
document 22:6 27:8,10 34:2 51:18, 20 100:14,18,22,24	dragging 109:17,20 110:5 111:15	Early 118:21	English 71:13,17,21 73:24 78:25 79:15,24 80:1 91:23 92:4,13 93:4 94:6,17,21 95:3,11,12 96:3,11 97:8 101:14,19,24 102:12 137:16 146:13, 147:19, 24
documents 7:18,21,24 22:3	drama 135:21 136:1	easier 137:9	English-related 71:25 77:16
dodge 41:18	dramatic 134:13,23 138:1,3,4,11, 24	east 30:16	enormous 81:22
doesn't 79:14,23 81:1,11,12 85:5 94:17,21 96:3 115:14 121:11	drawer 91:24	education 12:6	entering 51:10,11 60:1
doing 41:4 43:12 64:8,22 65:6 67:9 80:8 90:20 99:14 129:19 130:18 134:14,17	drawing 51:25	eh 80:3,15	entire 32:15 65:11,12 100:21
don't 6:10 7:2 14:7,17 17:18 18:23 21:12,14 22:23 23:17,22,25 25:16 31:18, 24 33:19 39:20 40:13,15 41:4,14,17,25 42:5 43:4, 14,20 46:10 52:25 53:2	drew 49:9 60:14	eh' 79:15	entrance 52:13 53:10
	drink 131:17	eight 10:20	environment 15:14 19:1
	Drive 30:23 33:7 63:6	either 16:17 25:22 83:5,8 105:24 106:10 118:15 131:22 137:2,6,12	escort 11:5
	driver's 51:5		escorting 10:15

CODY TURNER - 03/29/2017

18

especially 87:21	F	February 36:5 55:15	47:2 48:22 72:15,18 73:20,23 74:11 90:3 99:5 114:12 119:8 126:3, 127:22,23 128:18 129:7 139:9,13
evening 24:4 29:15	face 85:9 143:4,10	feel 52:18 114:6 133:23 146:17	five 40:17 46:13,14
event 87:10	face-down 119:13,14	feet 52:3,11,23 53:6,7,18,23 56:9,10 104:8 113:18,23	flailing 31:2,4,13 32:19,22 33:19,23
events 7:22 24:21 55:3,14 131:24,25 132:4,5,9	facing 22:25 23:9 33:7 47:4 50:10 64:23	fell 20:13 50:11 58:6 98:21 99:5 136:16	flashlight 62:12,14 90:23
Eventually 62:10	fact 26:6 43:19 71:1 79:2 133:3	female 42:4	fleeing 40:8
everybody 31:23 61:8	factor 15:24	fifth 126:22	floorboards 122:17
exact 31:18 40:13	factors 15:8,11	fight 11:8 12:4 29:19 30:1 32:15 63:20 88:16,18	focus 64:4
EXAMINATION 5:12	facts 25:4 130:1	fighting 30:6,24,25 34:8,12 35:8 51:2 60:16 63:1,5,7,9,12, 15,22,25 87:22 88:12,15 89:8,11	focused 42:18 85:11
excessive 16:25 102:23	failure 123:2	figured 71:25 72:1 77:15,16 110:8 133:14,25	focusing 74:3
excuse 28:14 56:18 114:16	fair 15:23 142:9	fill 24:8	follow 74:21
exercise 9:14	faking 116:3,4	filled 25:19	following 5:1 66:6 70:16,17 75:14 82:19 113:22
Exhibit 21:22,25 27:4,7 33:1 34:24 38:3,6 42:23 51:14,17 52:5,8,9 54:14 55:6,17 56:4 82:11 103:24	fall 17:16 18:8 56:23 58:3,17 59:13 61:15,17 86:2 98:17 113:19 128:18	find 21:16 69:25	follows 5:11
exhibits 26:22	fall-related 18:11,18 86:3	finding 27:24	force 14:19,22 15:5,7,9 16:3, 12,21,25 17:5 24:15,17 102:23 107:13,17,22 130:23 131:4,8 144:12
exited 49:8,17 60:14	fallen 120:3	fine 112:19 143:2	forcibly 107:9
exiting 49:23 50:15 51:6 56:5	falling 120:7	finish 6:14	forcing 104:9
experience 83:21 84:6	falls 12:23 18:20,21	finishes 6:19	form 78:24
explain 117:9	false 25:5	firearm 11:25 49:9 60:14,25 69:9,13	formed 74:13 75:7 81:17
expressing 80:21	familiar 14:21 16:14,20,23 17:2,4 39:24	first 5:10,16 12:5 19:9 23:8 29:23 30:21 33:8 44:6	forth 45:1
extended 41:9 65:2	far 51:8 53:15,21 68:6 90:14 126:12 133:6		four 147:25
eye 142:18			

CODY TURNER - 03/29/2017

i9

free 52:18 133:23 146:17	70:19 73:21 94:11 105:7	grip 41:1 76:7 86:21,22	handcuff 88:13
freeze-frame 59:9	given 10:10 11:7,12 14:19 15:8 17:7 18:13 19:17 105:3, 5,22	groan 99:9	handcuffed 104:4 108:10,13 110:1
frequent 110:20	gives 51:23	groaning 20:6 118:22,23,25 119:3, 5,10 124:3,19,23 125:1,3	handcuffing 10:16 11:6 90:17 100:1
fresh 24:21 55:3,14	giving 49:24 64:9,18,20 72:17 76:6	ground 6:8 10:15 11:6 18:20,22 19:5,7 49:10 56:23 60:15,19,20 61:9,24 62:1,8 64:23,24,25 65:5 68:7 86:8 98:17 99:7 107:22 109:8,15,16,17, 20,25 110:6,13 111:9 113:18 118:12 124:17	handcuffs 87:20 88:15 89:17,21 90:22 94:9 108:4,7 114:19,23 129:2
friend 131:12,20	glancing 45:1	group 30:23 31:15,17 33:11,14, 17 35:7,10 39:16 42:25 49:21 62:19 68:14 77:2	handed 21:24,25 27:6 38:5 51:16 52:7
friends 131:10	Glare 89:25	groups 30:6	handle 100:5 105:4
front 30:1,24 32:1,10,13,20,23 33:12 35:7 39:18,19 45:4,8 49:1 52:14 82:12 116:11	go 6:8 10:10 13:3 34:24 48:20 50:9 54:14 55:6,7 58:9 65:14 68:15 72:2 73:9 74:7,12 75:10 82:14 94:9 106:6 110:21 131:16 139:24 142:12	guess 58:7 59:25 65:21 66:2,6 101:21 107:25 126:13,22 131:1 147:4	handled 37:13
fucking 72:1,9 77:17 81:1,11 143:3,22 144:6	goddamn 72:2 77:18	guessing 74:3	hands 40:21 108:6 116:18
full 42:12	going 6:9 14:5 16:6,18 26:21 37:24 54:6 57:20 58:22, 23 65:24 68:15,17,21 69:3 72:1 73:4,9,12 74:7, 12 75:10 76:7,19 77:16 79:20 82:8 87:18,21 88:3 92:16,25 93:9,15 94:8,11 95:9,11 96:1,23 100:20 107:2 110:8 111:13 112:11 113:5 126:23 127:9 134:7,8 135:9 143:5 144:19	guns 78:2,10,17	hands-on 10:10
fully 43:5	good 55:18,22 61:21 76:6 85:5 90:6 126:2 131:14, 136:15 144:21,25	guy 112:20 143:1,3,9,22	happen 25:22
further 53:4 148:8	Google 38:6,7	guys 55:22	happened 60:12 62:7 64:2 84:12 119:25
G	gotten 114:6	H	happening 16:19 98:12
games 135:9	grab 72:2 74:7,12 77:17	half 12:16	hard 19:7 139:9
Gannon 145:20	Granite 12:23	halfway 75:20	haven't 37:9
general 11:12		hand 5:3 40:20 47:18 48:1 66:9 84:10 87:2 108:21 116:19	he's 59:15 72:1 77:16 112:19, 21 113:5 122:16 131:13 134:12,14,17,22 135:9, 21, 137:25 138:2,4,10 139:5,6,8,18,19 143:3,4 144:5,21
generally 17:21 126:2		hand-to-hand 10:6	head 6:22,23 9:22 19:16 20:10,12 61:16,18,20 84:10 85:23 93:12 113:21 118:19 121:16 136:15 142:16
generic 107:25			hear 30:7 73:17 77:9 91:15
getting 56:17 98:4 115:22 116:5 117:18,19 119:21 144:24			
girl 143:5			
give 6:13,20 23:21 60:18			

CODY TURNER - 03/29/2017

i10

92:12,18 93:20,22 94:16, 18 95:1,5,6 96:19 97:13 98:12 112:11 118:5,21 121:6 134:12,16,17,22, 25 135:20,25 137:12,25 138:10 139:4,9,13,14,18, 20 140:7,8,10,12,25 141:7,17 143:23 144:17, 19	44:22 47:25 50:2,5,16 54:1,18,22 55:11 64:24, 25 65:3,4,17 67:10,25 84:24 85:2 97:20 116:9, 12 118:16	67:13,22 69:17 70:9 73:12 74:3 75:9 76:19 77:2,9 78:14 79:20 80:12,16 87:1,6 88:8 89:9 96:15 98:16 101:21 102:13 103:23 112:9,11, 15 113:3 115:16 119:4,7 122:13 129:20 132:24 133:3,18,23 134:8,15,17 135:9 136:24 137:1 138:2 146:14	Incapacitation 18:3 inched 67:6 inches 67:3 incident 14:9,13 22:17 23:24 24:21 25:5 27:2 28:15 29:9,17 36:10 55:1 77:24 78:8 111:10 126:18 127:6 142:1 145:8 incidents 142:13 include 24:11,14,17 includes 19:5 Including 142:8 incorrect 29:2 34:4,5 100:16,17 increased 17:25 100:7,8 indicate 59:15 86:4 93:16 96:9,24 98:13 110:25 119:9 121:23 123:3 125:14 133:4 144:5 indicated 123:8,10 indicating 41:7 42:11 indication 114:3 individual 17:21 42:18 70:15 individuals 141:25 influence 81:24 82:1 104:14,18,20, 22 105:4,7,11,16,18,24 inform 91:22 95:2 informal 145:16
heard 24:25 73:21 74:16,17,20 81:9 92:19 94:20 95:8,25 96:6 97:10,15 118:3,23 119:6 133:18 134:14 135:2 139:7 140:11 143:21 hearing 29:25 74:23 91:10,17 94:1,2,3 96:21 99:9 heavily 105:19 height 9:10 held 65:23 66:3,17 113:18 116:17 helping 128:20 Hennepin 26:23 51:21,24 104:25 124:22 146:12,16 highest 12:6 hindsight 113:8 126:9 hit 58:24 68:18,21 85:23 113:21 144:20 hitting 121:16 Hiveley 6:2 7:9 35:17 37:9 65:24 77:9 78:11 88:9 96:12,17 103:1 108:23 138:17,21 142:10 147:4,8,12 148:10 holding 31:3 33:14 34:16 35:9 39:13 40:20,24 41:2,6	hole 140:21 holes 140:9,12 holster 69:10,11 honestly 147:8 Hop 121:7 hospital 23:11 144:20 hot 51:1 hours 22:15 54:25 huh-huh 6:21 89:23 134:24 human 113:17,22 hundreds 106:20 Hut 30:1 31:12 32:2,8,12,17, 23 38:17 I I'd 74:3 I'll 5:4 6:8 18:25 52:9 55:18 76:17 78:9,14 84:15,22 89:9 95:24 96:15 111:21 114:20 137:8 139:13 147:4 I'm 5:18,21 6:14 7:10 8:24 14:9 18:13 31:14,16 36:6 39:14 47:24 55:22 56:11 58:2,7,13,16,22,23 64:20 65:6,12,21,24 66:6,15	I've 21:14 37:11 idea 39:4 65:20 70:6 79:19 80:6 81:7 116:20 126:21 identify 90:4 identifying 138:17 identity 24:24 ignored 50:1 image 39:4,10 Images 38:7 imagine 89:19 138:6 144:3 146:10 immediate 14:14 61:3 68:5,6,9,10 87:14 88:1,2 97:21 108:14 immediately 58:17 73:3,8 91:21 102:7,12 important 6:10,13,23 15:24 28:21 in-between 14:3 31:11 32:7,11 38:16 74:10 inaccurate 25:15 35:22 36:2 39:5 incapable 19:25	

CODY TURNER - 03/29/2017

i11

information 24:25 34:8 94:4 143:14, 15	interchanged 130:13	Jason 7:9	38:24 39:21 65:13 70:7 118:3 132:2 135:20 144:12
informed 95:15	interpret 93:19	joke 136:8	knee 108:8
Ingles 137:6,12,16 141:7,17	interrupt 6:10,15	Jose 64:17	knew 25:20 74:25 75:2,4,8 126:10
initial 27:12 35:2,4	Intersection 30:22 38:7 44:10,16 53:11,19	Josh 5:18 64:16	know 6:24 7:3 9:20,25 14:7 18:2 28:15 39:20 40:1 42:4 43:22 44:3 57:9,16 61:6 80:5 85:14 88:3 93:18 99:2 106:7 107:25 108:1 109:19,21 113:8, 23 118:1 120:17 126:10 127:2,19 131:16 145:5, 21,25 146:2
Initially 60:22	Intervene 102:18	juts 39:22	knowing 113:8 127:1,8 129:25
initiated 51:9	intoxicated 71:9,10 81:18 82:21 83:5,9 85:24 103:9,14, 17,22 105:19,24 119:17, 18,22 123:20,22 125:20	K	knowledge 28:7 113:20
injured 15:20 17:18 68:24 85:25 86:4 110:25 113:24 114:1, 123:4 125:17	Investigation 27:12 51:23	keep 26:21 101:8	known 18:5 127:9
injuries 18:11,17,18,21 19:11,14 22:25 23:9 86:3 112:7 114:13 142:17	Investigations 51:24	keeping 49:9	L
injury 15:17,25 16:3,8,12 17:25 19:16,23 20:2 114:8 119:6,10 123:16	Investigator 52:1	Kelly 24:7	lack 147:19
instances 105:11 106:17	involved 24:24 32:16 51:2,23 129:17 142:1,13	kept 104:8	laid 98:19 119:12,13
instruct 22:19	involving 29:18	Khottavongsa 22:24 23:8 29:18 50:16 52:23 54:1 56:19 59:10 60:12 61:11,16 62:1,18 64:5,9,19,22 68:4,12 70:15,23 73:21 78:25 86:12,15 87:13 89:15 90:18 91:1,4,18 92:24 93:9 96:11 97:19 99:13, 15,17,20 100:8,25 101:14,19,20,24 102:11, 19 103:9,20 107:3,10 111:25 113:9 117:11 118:10,22,24 119:2,13, 14,24 123:3 124:2 125:1 126:6,16 127:17 128:1 129:23 130:18 132:17 137:20 138:5,15 140:1, 15 141:12,22 144:2,25 146:18 147:24	language 74:25 145:13,17 146:1
instructed 145:23,24	isn't 32:7	Khottavongsa's 61:15 85:9 92:1,7 93:3 112:7 122:22 146:13 147:19	language-based 75:6
instructions 23:21,25	it's 6:10,13,23 16:5,17 22:12 34:24 46:20 52:2,8 53:5 54:21 56:14,16 58:22 59:19 77:2,21 80:6,9,19, 20 107:25 110:20 113:17 118:3 130:5,11 143:4	kick 88:23 89:2	large 30:23 33:11 35:7 81:23, 25
instructs 6:18	item 34:15,19 54:17	kind 9:16,18 14:3 23:6 28:19	larger 39:10
intentionally 113:10 116:5	J		laundry 30:24 31:11 32:1,8,11, 16,21 33:12 35:8 38:17, 24 39:19 46:2,4 49:1 52:14
interact 112:2 129:1 143:13	jail 110:21 143:5		law 13:10 142:12
interacting 141:25	January 8:25 9:8 10:22 13:20 14:10 21:4 22:15 39:3		
interaction 128:1,3,22			
intercede 16:14,20,24			

CODY TURNER - 03/29/2017

i12

lay 76:8 98:18,24 119:16 122:19	liked 114:11	looks 52:20	martial 10:8
laying 64:23 65:7 66:9 98:23 99:6 109:25 120:1 122:16	likelihood 18:9	lose 85:18	mat 17:16
lean 99:21,23	lines 147:20	lot 21:14 44:15,18 45:20 51:10,11 52:13 53:11 54:16 56:7,12 60:1 63:8, 19 103:13,17	matter 120:16 121:11 122:15
leaning 98:9,10 100:7,25 123:13	listen 72:21,23 110:8,23	loud 55:9	max 10:1
learn 23:8	listening 68:22 71:7,24 75:1,2,4 77:15 82:20 94:8 121:24, 122:1	low 49:9	meal 131:17
learned 22:24 29:23	little 6:12 22:3 36:10 56:13 58:23 59:19 139:9	lower 47:11,13	mean 14:2 40:1,25 57:23 82:9 83:19, 106:20 108:1 126:17 127:1 128:15 132:4
led 115:3	located 32:19 41:22 57:18	lucky 140:8,15	meaning 19:7 93:18
left 87:2 115:11 119:20 120:22 141:14	location 39:6	lunch 102:25	means 11:4 83:12 88:8 99:2 134:5 135:12
legal 130:22 131:4,8	locations 63:20	lying 75:25	meant 142:9
legs 108:20,22 109:11,12,15, 19,20,21,24 110:3,4,7,8, 11	locks 18:7	<hr/> M <hr/>	measure 52:18 67:4
let's 11:8 45:25 80:10 128:23 139:9 140:21	lookup 18:5	making 11:11 26:7 54:20	measurements 52:19
level 12:6 18:21,22 49:9 98:1 100:8,9 122:5 128:13,17, 23 129:5	lone 35:8	male 33:13,16 35:9 42:4,24 44:22 49:15,16 50:1,4,8 54:20 75:21,23,25 76:1,2 104:12 124:10 142:4	medical 17:4 105:14,19,23 106:16,22 114:10 123:6, 9,16,18,21 124:10 125:14
levels 105:16	long 7:16 12:15,24 31:3 35:9 36:1 54:19 58:5,12,13 120:16	man 54:17	meet 24:1,6
Liberty 41:1	longer 83:16 97:20	man's 50:7	meeting 7:16 23:3
life-threatening 22:25	look 7:24 27:22 32:25 34:21 38:24 42:23 45:6,7,20 56:4 82:11 114:25 127:8 146:17	Map 38:7	memory 7:21 36:17 79:8 81:12 83:7 104:17,19 124:25 132:15
lift 109:8	looked 34:18 35:6,9,14,24 36:1 45:22 62:23 85:11	mark 56:13,15	mental 20:22
lifted 65:5 104:7 110:13	looking 35:25 36:4 44:20,22,24 45:10,13	marked 21:22 27:4,6 38:3,6 51:14,17 52:5,8,11	mentally 88:14
lights 89:25	lookout 88:7,8,11,12	marking 51:22 53:6	mention 33:19 54:21 55:11 146:12,15
		markings 52:9,10	

CODY TURNER - 03/29/2017

i13

mentioned 42:17,18 75:5 103:8	mode 139:5,7,18	79:3 106:6 115:4 123:21	O
merely 96:22	moment 29:8 65:16 140:18	neuromuscular 18:2	
mess 143:3,7,22 144:6	months 10:20 12:25	never 84:14 116:4 145:5 146:6	oath 5:5 103:6
Met 7:7	morning 22:17	new 10:14,17 14:5	object 6:17 31:3 35:9 36:1 39:13 40:20 44:23 49:17 50:2,5,17 54:19 65:24 147:4
metal 33:15 34:14,18 37:1,3 39:21 44:22 50:5 54:19	motion 43:10 45:17	night 14:10,13 22:17 29:9 39:3 72:1 77:17	objection 6:19
metallic 35:9 36:1 49:16	move 40:6 65:22 66:8 92:24 115:2	nightly 81:23	observation 80:20 110:2
mic 118:4	moved 66:10	Nochez 64:17	observations 35:2,5 37:25 72:12
mid 48:3	movement 65:22 66:4,12,16	nod 6:22	observe 31:15,17 49:22 62:17 64:21 85:9 100:20 104:11 105:10
mid-sentence 148:5	moving 85:17	noise 117:7,9 118:1,2	observed 34:14 40:19 61:16 62:21 72:15,18 103:21 124:23 126:3 128:18
middle 39:16 46:6,7 49:21 52:13 124:9 127:13	multiple 17:20,24 129:15	non-compliance 61:2 115:5	obstructing 38:20
middle-aged 33:13	mumble 124:18 127:15	non-compliant 115:15	obstruction 130:22 131:3,7
midway 47:11,19 53:10	N		obviously 37:9 100:20
Mike 64:17	name 5:14,16,18 24:7	Nordby 64:4,6,10 69:7,13 77:7, 12 89:16 91:22 93:3 99:12 104:7 107:3 116:8, 13,16 117:4,24 118:16 124:15 129:1 131:19 136:23	occasion 26:9 131:16,22
mind 24:21 55:3,15,24 58:23 123:15 145:5	narrative 22:7,9,12	normal 6:11 113:17,22 115:7 128:15	occasions 26:10 131:24
mine 8:20	near 24:20 86:8 88:24 89:17	Northway 30:18,23 33:7 38:1,8 44:10 53:12,20 60:5 63:6	occur 78:24 125:3
Minnesota 12:10	neared 35:5	notice 124:9 125:8,11 128:16	occurred 127:5 146:6
minus 61:6	necessarily 43:17 75:11 105:13	noticed 120:3 124:14	occurring 63:22 119:19
misdemeanor 130:6	necessary 69:21 114:15 121:19 122:8	number 22:1 31:18 40:13 51:25 87:6 134:7	office 8:1 26:24 27:12 51:21 104:20 105:1
moaning 20:6 118:22,23,24 119:3, 5,9 124:3,19,23 125:1,3	neck 107:21		officer 8:20,22,23 12:13,15,17 13:18 16:21, 21:24 24:12 33:8 38:5,10 45:21,
mobile 51:4	need 6:24 16:18 37:15,21 123:6,8		
	needed		

CODY TURNER - 03/29/2017

i14

46:23 47:4 48:14 49:24, 25 50:4,10 51:2,16,23 52:7,24 54:13,16,19 55:12 56:17,18 57:2,4,7, 11,25 60:11 62:18 64:4, 6,8,11,16,18 69:7,13,21 73:17,21 74:11 77:7,12 86:8 89:16 90:21 91:22 92:15,24 93:2,3,8 94:18 95:2,6,8 96:1,4,9,22,25 97:8,10 99:12,25 100:3 102:6,8,19 103:5 104:7 107:3 116:8,13,16 117:4, 24 118:16 124:15 126:22 128:21 129:1 131:10,19 132:25 136:23 140:20 143:16	old 8:23 omitted 26:17 29:5 once 70:3,10 86:6 87:5,17 one's 145:5 One-handed 41:1 one-rep 10:1 ones 8:21 140:3 open 51:6 116:21,22 117:21, 22 opened 51:12 opening 51:13 opinion 71:16,19 74:13 75:6,16 81:17 83:13,15 opportunities 109:11 opposite 54:9 option 101:7 102:16 options 12:1 orally 25:6 27:15 order 62:8 87:19 88:6 94:8 97:4 120:8 ordered 82:17 ordering 49:10 60:15 61:8 original 8:3 outside 119:19 121:7,10 131:23	overall 100:19 overlapping 135:4 overnight 29:12 <hr/> P <hr/> p.m. 29:13 103:3 148:14 page 27:22 34:24,25 36:6 48:20 55:7 82:13,14 103:25 104:1 114:25 127:13 147:25 pain 125:25 pants 112:21 parallel 65:4 66:25 67:7 paramedic 123:11 paramedics 111:25 113:2 129:12 136:6 parked 33:6 49:3,13 parking 44:15,17 45:20 51:10,11 52:13 53:11 54:16 56:7, 12 60:1 63:8,19 part 13:17 54:15 66:3,16 127:12 132:16 143:7 145:6 147:2 part's 139:9 partial 15:1,2 partially 31:9 38:19 48:8,9 51:6 57:3,10 109:16 particular 130:1	parties 76:6 partition 120:4 partner 29:15 partners 88:6 party 132:6 passed 106:13,21 126:7 patrol 13:13,20 14:17 pending 6:25 people 6:11 11:5 15:15 18:16 30:4,6,23 31:2,13,15,17 32:15,18 33:12,14,16 34:8,11 38:25 39:2,8 40:12 42:25 43:9 49:10 60:15,19 61:23 62:8,9, 19,21 63:14,18 68:7,9 74:4 78:8,10,17 79:25 81:22,25 84:6 103:13,14, 17 105:4,15,23 122:19 129:17 132:5 133:16 people's 33:24 34:3 114:12 pepper 11:25 perceived 123:22 period 115:11 peripheral 45:12 person 11:9 12:1 19:2,18 34:9 39:13 40:19 41:21 42:1,7 43:3,12 54:11 61:7 62:13 77:5 79:23 80:2,5 90:8 105:20 119:23 133:12,13 144:24 person's 105:8,12
--	---	---	--

CODY TURNER - 03/29/2017

i15

persons 21:1 24:24	playing 59:2 73:15 74:5 76:21 79:10,11,21 80:11,23 84:17 90:1,12 92:10 94:14 95:21 112:13 116:25 120:23 132:13 133:3,10,21 134:10,20 135:5,7,9,15,18,23 136:12,21 137:4,10,23 138:2,4,8 139:2,11 140:5,23 141:5,14,15 142:21 143:18,19 144:15 145:3	portion 17:5 76:17,19 81:23,25 84:21 98:8	pretending 139:6,7,19
perspective 62:4 126:10		pose 17:24	pretty 45:15 61:21 107:25 136:15 144:21,25
pertinent 24:25 34:7		position 47:5,9,22 48:11 53:1,25 54:3 66:6 124:18 125:13	prevent 102:18
Peters 14:15		positioned 39:14 40:23 45:22	primary 61:7,11
phone 23:10		possess 88:4	printoff 38:7
photo 39:8	plays 16:8	possibility 16:11 69:20 81:19,20,21 114:19	prior 21:6 60:4 65:16 68:3 70:22 72:13 73:3,8 81:17 84:9 85:8,21 90:17,25 92:1,15,22 97:19 98:4 101:14,19 102:7 103:9 113:4 117:8,18 120:6 123:23
phrase 95:14 96:24 99:21	please 5:14 6:20 7:2 82:14	possible 39:11 44:4 46:20 53:5,16 56:14,16 115:13 119:6, 10	prioritized 34:9
physical 15:15 16:3,7	point 25:14 38:11 49:13 50:3 59:16,20 60:6,12,16,25 62:2 63:11 65:14,22 66:2,12 67:14 68:5 71:4 78:7,20 83:15 85:19 86:12 87:14 90:5 92:23 107:19 109:21 110:7 111:6,8,10,20,22,24 113:23 116:9 118:13,15 123:25 124:2,9,23 125:8, 22,23 128:6,22 129:5 143:12 146:16 147:2,23	possibly 14:6 114:9	probably 12:5 26:21 31:22 46:14 71:25 77:15 82:8 113:5 146:8
physically 107:16		potential 15:16 68:9 87:23,25 114:12 123:16 124:9	probes 57:18,20 69:16 72:3 77:18 112:21
pick 86:9	pointed 62:12	pout 139:5,7,18	problem 122:11 124:10
pinpoint 73:13 128:24	pointing 49:25 62:14 66:21,24 90:7	power 88:5 110:22 111:14 121:22 122:4,9,11,15,21 123:3,14 124:15	procedure 25:21 114:22 129:15
pissed 112:20	police 8:4,6 12:12,15,17,21 13:4,6 21:19 22:12,14,19 23:18 24:2,9,11,20 25:8, 12 26:14 32:25 36:13 42:23 54:14,22,25 55:4 75:19 100:4,25 114:22 115:18 116:6,11 121:13 125:23 131:2 132:5 145:19 146:11,24	Powerpoint 17:10	proceedings 5:1
Pizza 30:1 31:12 32:2,8,12,17, 23 38:17	policies 14:22,24	preparation 12:3 14:25	process 13:9 56:5,10 75:7 130:23 131:4,8
place 87:19 107:21 108:6 118:9 120:21 129:1	policy 15:1,2,6,7 17:2,5 144:8, 11	prepare 7:5,18 11:6	profile 9:7
placed 108:4 115:6 124:13,17 125:13		prepared 88:14	protective 76:6
placement 115:2		preparing 87:19	provided 52:11
plaintiff 5:19		presented 42:14	proximity 31:1 133:4
play 15:17 58:24 76:17,19 79:20 80:10 84:15 85:4 95:19 132:11 133:19 134:7 136:11		press 9:19,21	public
played 59:6 78:2,16 79:7 80:25 91:3 112:17 118:21 121:4		pressed 117:11	

CODY TURNER - 03/29/2017

i16

16:17	124:8,12 126:23 127:13 131:19 141:21 147:22,25	recall 7:16 15:11 18:23 21:2 22:23 23:17,22 25:16 29:17,25 30:3 31:18,24 36:3,24 40:9,15 41:10,25 43:4 56:25 57:8,12 60:17 61:19 62:21,23,25 63:3, 13,24 66:19 69:12 72:17, 73:22,25 79:2 84:13 87:1,7 89:22 91:7,10,14 92:5,20,22 93:2,5 94:1,3 95:17 97:3 98:8 99:9,14, 18 103:23 104:21 108:11 118:20,24 120:20 124:2, 125:5,6 127:18 128:20 129:14,19,22 130:14 131:1 140:14 142:3,17 147:10,11,17	108:15
pull 34:23 55:17 56:7 75:19 86:6 87:5,9 103:24 120:4 124:7	questions 20:1 25:12,17 28:8,12 55:8 124:19 127:16,17, 19 147:12 148:9,10	receive 145:7,10,12	reference 26:6 78:1,10,17,20 144:19
pulled 48:25 54:15 63:8 111:12, 21,22 120:13 125:12 129:9	Quick 32:4,7,10,13	received 23:10	references 147:18
pulling 45:19 56:11 86:15	quite 117:7	recess 56:1 103:2	referencing 78:5,7,8
punch 143:4	R	recognize 19:13 20:18,21 27:8 76:23 77:4,7,12 81:8 112:16 114:7 133:17 134:9 135:8 136:14	referring 14:10 22:3 119:22 123:1 137:20 138:5,15 140:1, 19 141:12,21 144:2,24
punched 143:9	radar 99:1,3	recognizing 114:12	reflect 24:24
punches 31:6,23 33:20,24	radio 29:24 43:16,25	recollection 87:10 91:18	refresh 7:21 79:8 81:12 83:7 104:17 124:25 132:15
punish 144:9,12	rain 38:18,19,21	recommend 130:2	refreshes 104:19
punishment 144:21,25	Raise 5:3	recommended 17:22 131:2	refused 75:21,23 76:1 104:8
purpose 134:14,18	range 9:23	recommending 129:22	refusing 113:10
put 26:20 29:8 39:12 52:22 59:25 69:10,11 76:17 88:15 89:17,21 94:9 100:24 104:8 108:6,8 109:11,12 110:7,8 113:17 117:14 118:12 119:21	rare 26:10 131:24	record 5:15 27:13 38:6 51:20	regard 105:23
putting 90:21 92:2 113:22 123:23	reaching 86:11	recording 49:2	regarding 16:21 20:24 146:18
Q	reaction 50:7	recovery 124:17 125:13	related 86:2,3
queen 135:21 136:1	read 33:18 55:8 148:11	redirect 148:9	relationship 131:14
question 6:18,25 7:1,2,3 26:5 27:23 28:13,20,21 35:1, 4,23 48:22 49:16,19,22 50:3,7 65:25 71:2 76:20 78:9,12 82:10,15 83:6 85:22 89:10 91:25 94:24 104:2,11 108:24 109:22 110:10 114:20 115:1	reading 27:24	reduced	relative 58:7 99:4,5
	really 76:18 132:12		Relatively 55:16
	reason 21:13 52:17,18 63:14,17 71:7 75:8,12,13 89:11 94:7 101:12,17 102:2,5, 10 103:16 104:24 121:25 127:4 148:3		relay 23:12 30:8
	reasonableness 15:9		relayed 23:15 30:9 143:14,15
	reasons 103:12		release 76:3 82:15
			remain 127:25
			remember 14:17 21:7,12,14,16

CODY TURNER - 03/29/2017

i17

23:25 29:20 36:12,21 40:13 41:4,14 42:5 43:14,20 46:10 50:9 52:25 53:2 64:7 70:21 87:1 89:3 93:13 94:2 97:12 98:9 106:19 109:17 116:23 120:8 121:15,16 141:24,25 142:4,10,18 143:7 145:24 146:7,8 147:9,14	representative 24:2 represented 5:24 6:4 reprimand 145:10,12,25 requested 25:23,24 resembled 44:9 resisting 110:17 resolution 21:9 85:6,7 respect 119:24 126:16,17 responder 19:9 114:12 119:8 responding 29:17,19,21 43:18,24 response 5:7 126:12 resting 67:1 restroom 55:23 result 18:17 58:1 127:5 145:7 returned 64:4 review 7:18 8:6,8,18 14:24 27:19 reviewed 7:25 8:10,12,14,16,19 15:1,5 right 5:3 32:2,4,5 35:7,25 37:5 38:23 41:3,5 45:6,7 46:2 48:1 51:22 55:25 59:22 65:3,14 66:9 79:25 89:18 90:7,9,15 103:14 117:5, 18 119:13 127:2, 128:22 129:7 135:21 136:1 140:4 143:8 146:9	right-hand 44:17 rigid 50:9 rise 105:8 risk 17:25 Rissman 5:13,18 21:23 27:5 35:20 37:11,12 38:4 51:15 52:6 59:3 66:1 73:16 74:6 76:22 77:11 78:13 79:12, 22 80:14,24 84:19 88:10 90:2,13 92:11 94:15 95:22 96:15,20 103:4 108:25 109:2 112:14 117:1 120:24 126:19,24 132:14 133:11,22 134:11,21 135:6,16,19, 24 136:13,22 137:5,11, 24 138:9,19,23,25 139:3, 12 140:6,24 141:6,16 142:11,22 143:20 144:16 145:4 147:10,15,21 148:8,12 road 44:24 45:3,11 rod 33:15 34:14,18 37:1,3 role 15:18 16:8 127:1 roll 88:19 89:12 92:16 93:15 96:1,4,22,23,24 107:6,9, 13,14,16 rolled 108:2 rolling 89:7 rotating 50:10 routine 115:2 rubbing 20:10,12 118:4 Rucker 52:1	ruler 52:18 rules 6:8 <hr/> S <hr/> safe 61:8,88:6 safety 24:12 33:25 34:3 42:15 61:3 68:5 87:14 97:21 105:8,12 108:14 122:22 Salvosa 45:21, 46:23 47:4 49:24, 25 50:4,10 52:24 54:13, 16,19 55:12 56:18 57:2, 4,7,11,25 60:11 62:18 64:8,11 69:21 73:17,21 74:11 91:22 92:3,15,24 93:2,8 94:18 95:2,6,8 96:1,4,9,22,25 97:10 102:19 131:10 132:25 140:20 Salvosa's 8:20 33:8 70:17 97:9 sat 67:20,21,23 saw 30:21,23 32:18 33:6,13 35:7,8 39:3,13 41:21 44:6,9 45:16,20 47:1 48:14 49:23 50:15,20 54:16,19 56:22 57:13 60:11 66:3 84:14 91:5,8 99:19,23 100:25 saying 30:5 70:24 72:10 74:14 76:4 80:1,16,17,21 81:2, 12 92:15 96:22 106:10 112:23 115:15 134:16,17 135:9,21,25 136:15 137:6,7 138:2 139:4 141:7 148:6 says 22:15 33:5 42:24 51:22 52:1 53:6,18 54:15 79:14,23 92:16 96:4 133:24 134:2 136:5
---	---	--	--

CODY TURNER - 03/29/2017

i18

scale 52:1,2,10	48:22 49:15,16,24 50:3 52:2,15 53:8,13,17 54:15 56:21 57:20 58:3,17	8:1 26:24 27:12 51:21 104:20,25	Sioux 12:21 13:6
scenario 16:6	59:10,13 60:16 61:18 63:11 65:21,22 67:11,14 68:1 69:18 75:20,24	shift 29:11,12,13	sit 111:13 120:2,6,9,10,12 121:1,5 123:2 124:14 128:7
scenario's 16:5	76:9,18 80:12 82:22 84:9 85:1,3,6,18 86:9 89:2, 98:4,7,17 99:12,16 104:15 115:8 117:3 124:8, 144:20 147:18	shock 76:2	sitting 26:13 29:1 95:5,24 96:8, 21 99:15 102:14 121:21 122:3,9,10,14,21 139:5, 14
scenarios 16:7 94:25		shocked 83:16	situation 19:3 50:25
scene 23:4 30:20 33:3, 35:5 37:24 40:8 45:7 48:23,25 51:1 59:7 62:17 64:3 76:5 91:7 104:21 107:2 120:11 129:15 132:22 133:1 140:20 142:5	seeing 85:23 98:11	Shop 32:4,7,10,14	six 12:25 27:1
school 114:9,10 142:12	seek 105:14,19 106:16	short 39:8 114:10	size 15:14 39:2
screen 59:10	seeking 105:23	shot 59:11 140:16	slab 39:21 40:1,4,6 41:23 45:24 46:5 52:13 114:23 115:11
searched 104:4 108:13	seen 24:25 37:9 51:18 54:11	show 41:5 47:17 58:22 73:12 76:18	sleep 135:2
searching 108:11	sense 25:1	shows 52:2	Slightly 36:14
seat 117:17 119:12,14 120:4	sentence 33:2 42:24 75:20 83:12 127:14,15 140:7	shuffling 117:8	slow 98:25 99:2
second 35:1 58:10 65:19 82:14 91:4,18,21 92:1,7 98:14 99:6 101:15,20,25 102:19,23 127:14 128:20, 147:25	sentences 33:2 148:1	side 26:21 51:5 57:11 87:3 116:14,16 117:4 118:10 119:15	Slower 99:8
second-degree 130:9	sergeant 13:23,25 14:14,16 23:10 25:20 64:17 81:6 132:23	sidewalk 32:1 39:17,22 76:8 90:25	slowly 98:23
second-to-the-last 104:2	series 55:8	sign 27:25 38:1 39:15 119:6, 10 148:11	slumped 118:19
seconds 58:15 89:19	serious 18:17 130:8,11	signature 28:4	small 38:18 137:19
section 22:4 33:18	seven 12:16	significant 63:18 101:4	sober 106:6
security 132:2	shake 6:22	significantly 39:10 100:11 108:15 130:8	socialize 131:22
see 28:2,8,17 31:3,8 32:22 33:2,11,19 35:1,12 36:6 38:23,24,25 40:6,8,10,12 41:11 42:24 43:2,12,15 45:7,12,18,25 46:21 47:2	shaking 93:12 142:16	similar 9:7 107:24 108:1	solid 86:21,22
	shape 78:24	simple 110:23	somebody 30:8 31:3 119:16 123:1
	sharper 37:3	simultaneously 120:15	somebody's 118:4
	shelter 38:18,19,21	single 17:21	
	sheriff's		

CODY TURNER - 03/29/2017

i19

someone's 16:3 18:7 51:1 62:15 87:21	62:12 79:2 109:17 146:3 147:6,16	start 10:19 45:21 51:3 62:9 84:22 88:14 98:5 99:20, 23 104:1 126:21	13:17
Somewhat 18:4	specifics 131:5	started 46:8 51:13 56:6,10 58:25 60:15 74:21 99:13	strike 26:4 43:2 47:23 54:6 71:1 78:9 82:10 88:22 89:9 145:6
soon 58:9 120:13	spin 56:22,24	starting 47:11,13 53:19 58:25 73:13 75:21 84:15 89:23 94:13 120:21 137:3	strong 87:20
sooner 115:4,6	splintered 63:20	starts 33:3	struck 48:10 50:8 54:2
sorry 5:21 7:10 31:16 35:19 36:7 39:14 67:13,22 77:9 88:25 112:9 122:13 146:14	split 65:19	state 5:14 19:22 127:25	stunned 71:3,6 82:4,6,9,19 83:5, 8,11,19 85:24
sort 13:3 53:18 70:3 87:5 98:11 108:16	spoke 71:16 95:11	statement 7:25 8:8 26:23 27:11,15, 24 28:6 29:2,6 34:23 35:14,21,24,25 36:4,5,23 48:20 49:11 55:6,17 76:11 79:7 81:11 82:12, 24 83:7 93:15 97:8 104:25 113:4 114:25 124:7 127:12 146:11,16, 23,25 147:3,13,23	subdue 10:24
sound 72:4 76:23 77:4 80:2,3,7, 9,13,20 91:10 112:16 133:17 135:8 136:14 137:2 142:23 143:6 144:17	spotting 17:14	statements 134:8 142:2	subject 11:13 17:25 148:9
sounded 80:17 135:4 137:15	spray 11:25	Statue 41:1	suffered 18:17
sounds 80:6 118:4 143:8	spread 32:16,18	stay 114:18,22	summary 15:5 100:19,23
Spanish 137:16,18	spun 57:22	stayed 67:23	supervisor 13:23,25 14:5,14,16
speak 23:23 71:13,21 73:24 78:25 79:14,23 80:1 91:23 92:3,4 94:5,17,21 95:11 96:3 97:8 101:14, 19,24 102:12 137:18 146:19 147:24	squad 8:19,20 33:6,9 49:8,23 50:15 51:3,6 60:14 70:13 104:10 109:14 110:9 111:12,21,22 115:2,6,20, 23 120:1 122:17 124:14 125:4,12 129:2,10	steps 46:9,11,17,19	supervisors 14:3 145:15
speaking 79:25 81:5,7 113:2	squat 9:25	stomach 88:19 92:16	supplemental 22:7,9,11 26:1,4,7
speaks 92:13 95:2 96:11,12	squats 9:19	stop 16:18,24 38:1, 39:15 51:7 94:16	suppose 105:15
specialized 13:4	stab 37:5,7,18	stopping 59:4,18 79:13 84:20 90:3,14 95:23 112:15 117:2 120:25	supposed 15:8 100:22 122:16
specific 18:23 23:25 28:20 30:13 72:22 105:6 106:19 148:3	stack 26:21	straight 66:22	suppress 25:4
specifically	Stamp 22:2	Street	sure 31:14 44:7 47:24 49:1,6 58:2,7,13,16 63:19 64:20 65:6,12 69:17 70:9 71:20 73:7 74:24 77:2 80:16 84:1 87:6,8 88:6,8 93:24 96:17 102:13 103:1 108:11 113:3,5 119:4,7 129:21 132:24 133:18,20 134:15 136:24 137:1
	stand 109:4,6 113:18		surface 18:24 19:5
	standard 129:14		suspect 10:11 74:22 114:1
	standing 33:12 34:11 38:25 39:7 40:4 42:8 58:10,11 70:13 101:8,9 128:19		

CODY TURNER - 03/29/2017

i20

suspect's 15:17	taken 6:6 25:1 38:8 56:1 103:2 142:15	teaches 10:15	there's 6:25 15:20 16:11 22:2,3 28:12,13 29:4 32:1,4 51:2,22 53:6 55:7 69:20 76:18 78:1,17 79:25 81:1 87:20,23 94:24 105:15 106:20 111:16 123:15 126:20 129:15
suspected 71:21 73:24	talk 6:12	Technical 12:9	they'd 119:19
suspects 10:25	talked 84:23 147:6	Technically 14:1	they're 20:6 36:17 87:21 119:18
suspicion 146:18	talking 77:1,5 80:12,18 94:22 112:19 113:3 118:2 126:14 132:2,21 147:9, 10	techniques 10:16	thing 29:23 42:21 43:9 72:2, 15, 77:18 100:21 119:19
suspicious 63:21	tall 9:3 39:7	teleport 66:5	things 21:17 97:5 100:20
swear 5:4	taller 39:9	tell 23:16 25:8 39:7 40:16,17 42:6 69:15 95:25 109:3 118:7 120:6,9,10 121:5 124:22 137:7	think 26:14 28:15 29:5 30:25 34:7,24 36:15 39:9 43:21 48:10 53:21 55:18 58:14 67:19 69:3 80:15 85:24 92:12 94:4 95:11 96:12 98:21 99:20 109:16 110:2,4,10 111:18 113:9, 10,16 114:11 115:3,14 122:24 129:16 130:17,19 132:21 143:1,11 147:15
swing 41:11,13,19,21 42:9,12 45:16 47:1,2 54:11 89:4	tape 67:4	telling 61:23 105:1	thinking 79:5,8 102:13 140:15
swinging 42:10,20 43:9 130:17 131:6	target 17:11	Ten 84:4	third 93:9 115:1
sword 34:15,16,21 35:10,15 36:1,4,25 37:3,5,18 40:24 41:6 42:11 43:10 47:6	tase 95:9	tend 6:11	thought 25:14 28:21 68:20 94:5 98:19 132:9 133:13 134:2 143:9
sworn 5:10	tased 17:12 46:23 56:22 58:9 87:21 98:14 126:13 127:23 128:10,19	tense 88:20	threat 33:24 42:14 61:3 68:5,7, 8 87:14,25 88:1 97:21 100:8 101:4 108:14,17 122:25
swung 42:1 43:13 68:24	taser 11:24 12:5 17:7,10,21, 24, 49:25 50:4,8,11 54:20 60:11 69:21 71:4,7 76:2 82:4,7,20 83:5,8,11, 17,19,21,23 91:11 93:9, 17 94:18,20 95:7 96:10, 25 127:22 144:9,21	tensing 89:6	threaten 94:18,20 95:6 96:10
symptom 19:23 20:2	tasered 48:18 56:17 57:13,16 58:1 59:16,20 60:1,5 84:7 91:4,18,21 92:1,7 98:4,7,13 101:15,20,25 113:21 126:4 128:9,25 129:7	term 43:8 58:7 99:4	threatening 93:17 96:25
symptoms 19:13 112:7	tasering 19:2 56:18 98:8 101:6 102:19,22	testified 5:11 50:19 53:25 81:16 86:14 100:13 103:8 109:23 121:1 127:21 145:23	threats 24:12 98:2 100:14,18
synopsis 100:21	tasing 139:5,14	testimony 77:21 78:23 80:19 110:3 111:4	three 28:12
<hr/> T <hr/>	taught 11:5	testing 147:14	
T-u-r-n-e-r 5:17		Thank 5:8	
tactics 11:3		Thanks 138:24	
take 6:22,24 7:1 27:15 32:25 46:9,17 55:21,22 67:4 82:11,16 102:25 106:5,7 120:10 129:2 140:3 142:2			

CODY TURNER - 03/29/2017

i21

threw 70:12 86:8	10:14	54:2,17 55:11 57:3,24	109:22 115:14 126:6,13, 23 128:9 148:5
throwing 31:6,23 33:20,24 87:2	torch 41:2	Turner 5:9,16 8:23 21:24 38:5, 10 51:16 52:7 58:24 73:12,13 79:10 84:16 89:23 103:5 112:12,15 116:24 120:21 132:11 133:9 135:14,17 136:20 137:9,22 138:7 139:1,10 140:4 142:20 144:14 145:2 148:13	understanding 20:19 25:21 80:7, 101:21 148:1,2,3
time 6:13 10:25 11:7 14:4,17, 18 23:14 24:21 28:16 34:9 36:3,22 38:13,21 43:25 44:21 45:14 46:24 47:2 49:20 54:7 57:6,17 58:11 61:6 63:21 65:11, 12 66:18 67:4,14 68:22 71:12 74:23 75:4,7,17 76:4,5 77:22 78:12,20 81:6,13,17 82:3,7 83:16 87:17 90:20 91:4,19,21 92:1,7 93:9 97:4,7,12 98:5,13,14 99:1,5,10 101:6,15,20,25 102:13, 20,23 104:21 106:5,12 108:15 113:1,13,23 114:13 115:12 116:2 121:15 122:12 124:5 125:22 127:23 128:20,25 129:5,7 143:17 144:3 148:6	torso 47:19 48:3 88:24 89:1,17	turning 54:7 137:8	understands 96:18
	touch 84:10	twist 70:7,8	understood 7:4 75:17 113:14
	trained 10:5 17:20 18:8,10,16,24 19:1,9,11,13,22 20:1,18, 21 21:17 24:8,11,14,17 26:16 34:2,5 43:16 51:2 100:14,17,19 105:14,19	two 7:13,15 28:8 36:9,10,22 40:20 46:15,19 58:10,14 79:25 94:24 112:21 116:18 135:4	unfortunately 88:4
	training 9:16,18 10:10,13,14,21, 24 11:2,7,12 13:4 14:19, 22 17:7,9 18:13 19:17 20:24 21:1,2,9,15 69:2 83:22 86:2, 105:3,5,6,22 114:7,11,22 119:8 129:25	two-year 12:7 13:10	uniform 132:1
	trainings 14:25	type 10:5,21 11:10,20 31:3 66:16 88:4 119:9 145:10	union 24:2
	transcript 27:20	typed 27:17	Unit 13:17
	transcripts 8:12,14	types 11:22 25:17	unusual 104:12
	tried 89:17 128:7	Typically 84:8 119:18	upper 12:21 13:6 107:21
	trouble 115:22	<hr/> U <hr/>	upright 58:5
	true 22:8 27:25 28:6	uh-huh 6:21 35:16 57:21 66:11 74:9 98:15 109:5	urinated 20:15 144:4
	truth 25:8 105:1	ultimately 127:2 130:21	use 14:19,22 15:5,7 16:3,4, 21 17:5 24:15,17 55:23 69:3 94:18,20 95:6,14 96:10,25 99:3 107:13,16 108:20,21 109:19,21,24 110:3,4,11 144:8,11 145:12,16 146:1
	try 12:4 88:22 116:21 137:8 139:10 140:21	unclear 59:19	Usually 106:9 131:24
	trying 134:12,22 147:14	underneath 109:13	<hr/> V <hr/>
	tug 70:3	understand 5:20,22 7:2 14:11 42:20 65:25 70:23 71:13 72:16, 19 73:3,8 74:13,22 75:3, 9 76:4 83:11 103:5	vaguely 17:3 125:2 129:24 142:2
	turn 44:17 45:21 48:14 52:23		valuable 43:24 94:4
	turned 46:22 47:9,15 52:25		vantage 38:11
times 7:12 15:20 16:2 60:23 70:5 76:3 82:18 83:25 84:1 87:8 96:5 118:15 121:2,5 138:17			variables 126:20
timing 65:20 73:13 74:1 125:6 128:24			
today 5:25 26:13 29:1 37:25 43:6 76:15 77:21 83:2 95:6,24 96:8,21 97:4 102:14 113:8			
today's 7:5,19			
told 23:23 24:1 44:4,6,7 93:2 96:10 109:12 110:6,13 120:2,12 121:1 130:25			
Tom 24:7			
top 9:22 82:15			
topic			

CODY TURNER - 03/29/2017

122

verbal 6:20		142:17	who's 77:2
verbally 109:12	W	we'll 6:15 7:3 121:10 148:11	wield 37:15
versus 15:15	waiting 119:20	we're 11:5 22:3 26:21 50:25 55:18 93:24 95:19 134:7 147:13	willing 27:25
video 8:19 49:2,6 58:20,25 59:2 73:12,14,15 74:5,17 76:18,21 79:11,21 80:11, 23 84:16,17 85:3,5 89:23 90:1,4, 91:12,15,17 92:8, 10,18,19 93:20 94:14,19, 23 95:1,8,16,21,24 96:8, 12,14,19,21 97:4,14,17 112:13 116:24,25 118:3 120:23 124:4 132:13 133:10,21 134:10,20 135:5,15,18,23 136:12, 21 137:4,10,23 138:8 139:2,11 140:5,23 141:5, 15 142:21 143:19 144:15 145:3	walk 20:8 46:11 91:1 97:24 109:12 110:14 120:10	we've 8:10 20:25 55:8, 112:20	windshield 45:9
	walked 46:22 120:18	weapon 11:14,17,19,20 34:10 43:15,19,24 44:1,3,4,8 54:20 69:3,4	winter 38:9
	walking 33:13,16 40:10,12 42:24 45:21 46:8 50:2,16 54:9, 18 79:15 90:25 97:19 106:11 112:19 113:9	weapons 108:12	witness 5:7,11 24:12,18 34:3 35:19 91:3 93:12 100:14, 22 126:20 142:16 147:6
	want 26:20 34:23 43:22 55:20, 22 73:13 76:19 85:4 88:19 90:5 93:24 96:17 110:21 120:2 132:11 143:16 146:17	wedge 120:7	witnessed 52:23 56:17,18 60:4 119:25
	wasn't 25:20 71:7, 74:24,25 75:2,4 77:14 80:17 82:18,20 94:8, 95:11 113:22 121:21,24 122:1, 8,21 123:13 128:19 130:25	weeks 7:15 36:10	witnesses 8:11
videos 8:16,18		weigh 9:5,12	word 99:2
view 38:20 60:13 61:2 68:4 87:13 94:10		weight 9:16,18	work 9:15 25:25 131:11,15,17, 23,24,25 132:4,8
viewed 58:19 84:21 85:1		Welcome 103:5	working 29:11 132:9
violence 89:6	waste 43:25	welfare 124:17	wouldn't 15:21 57:5 74:20 116:1 119:21 120:18
violent 88:21	watch 19:11	went 72:6 78:5 80:15 90:8 114:9 116:13,16 117:24 128:4 129:11 140:4 147:16	wrestling 31:8
vitals 113:5	watched 46:23 50:9 61:17 94:23 98:18,24	weren't 63:19 106:7 148:2	write 22:14,19 26:1
voice 76:23 80:6 81:1 92:12 112:16 133:17,18 134:9 135:8,21 136:14 142:23 144:17	watching 88:13 90:22 93:20 95:1, 24 96:8 97:4,14,16 99:25 124:4	west 30:15 33:6,7	writing 23:4 25:6
voiced 94:8	waved 35:10 43:13	wet 125:9	wrong 133:23 145:5
voices 81:8	waving 33:16 42:20,25 43:8	what's 25:21 27:6 38:5 51:17 52:7	wrote 22:25
	way 41:8 48:9 62:14 63:24 66:10 67:8 78:24 79:4 96:16 97:3,9 102:14 104:6 111:16,18 114:3 121:17 130:18 131:7	whatsoever 105:22	X
		Whittenburg 143:16	Xerxes 30:22 38:1,8 44:10,17 53:11,19,20 63:6

CODY TURNER - 03/29/2017

i23

Y	
yeah	
16:13 18:6 39:11 56:16 66:8 89:9 90:6,16 92:14 125:2 129:18,24 133:12, 13,24 138:10,23 141:3 143:2,7	
year	
7:11	
years	
12:16	
yell	
60:23 99:9	
yelling	
49:24 54:16 92:24	
yep	
47:16 75:25 76:1,16 97:25 116:10	
you'd	
45:6 48:20	
you're	
12:12 14:5 15:8 18:16 42:10 74:7,12 81:5 82:8 88:7,11,12,13 92:16,25 93:15 94:24 96:1,18,23 101:21 103:6 113:18 115:15 119:22 122:25 126:14,23 132:1 133:24 134:2 140:19 141:21 144:2,24	
you've	
18:13 21:17,24 27:6 37:25 38:5 51:16 52:7	